



AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Richard Padilla, Assistant City Attorney

Date: March 16, 2020

Subject: Consideration to Adopt a Resolution Declaring a Local Emergency Due to the Public Threat Caused by the Novel Coronavirus (COVID-19) and Provide Direction Regarding Additional Actions

RECOMMENDATION:

It is recommended that the City Council:

- a. Adopt Resolution No. 7992 (Attachment "A") declaring a local emergency due to the public threat caused by the novel coronavirus (COVID-19); and
- b. Provide additional direction to City staff, as appropriate.

BACKGROUND:

1. Since the novel coronavirus (COVID-19) was first reported in China in December 2019, it has quickly spread to over 120 countries. As of March 12, 2020, over 135,000 cases of the virus have been reported worldwide with nearly 5,000 deaths. After China, the countries with the greatest number of cases are South Korea, Italy, and Iran. COVID-19 can take up to 14 days to show symptoms, is highly contagious (even before showing symptoms) and has no known vaccine. Extraordinary measures have been taken to contain the virus, including quarantining multiple provinces of China and the entire country of Italy.
2. On January 21, 2020, the United States reported the first confirmed case of COVID-19. Since then, there has been increased concern of the virus spreading across the country. As of March 12, 2020, there have been a total of 1,599 confirmed domestic cases of the virus with 40 deaths. The most affected areas to date include the greater Seattle area, New York City, and the San Francisco Bay area.
3. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency shortly after the State's first death was reported. The County of Los Angeles and cities of Los Angeles, Long Beach, and Pasadena also declared local emergencies on March 4, 2020.

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4. On March 11, 2020, the Governor's Office issued a public health advisory through the California Department of Public Health (CDPH) (Attachment "B"). This advisory recommended postponing or cancelling all gatherings of 250 people or more. Smaller gatherings may proceed if organizers implement proper safety precautions, such as asking people to stay home if they are ill or have recently traveled or are in a high-risk group, and to observe the six-foot rule between those attending. Accordingly, cities should cancel all large events and use their judgement as to smaller events.
5. On March 11, 2020, the World Health Organization (WHO) declared the virus outbreak a pandemic.
6. On March 12, 2020, Governor Newsom issued Executive Order N-25-20 (Attachment "C"), that, among other things, suspended certain portions of California law in an effort to expedite emergency medical response, provision of unemployment benefits, small business tax relief, and Brown Act requirements for public meetings.
7. On March 12, 2020, the Los Angeles Unified School District (LAUSD) announced that all LAUSD schools would be closed for two weeks beginning Monday, March 16, 2020, and the City of Los Angeles announced that its City Hall would be closed to the public and public meetings cancelled until further notice.
8. On March 15, 2020, Los Angeles Mayor Eric Garcetti announced an Executive Order mandating that all bars, clubs, theaters, entertainment centers, and fitness centers in the City of Los Angeles are ordered to be closed until March 31, 2020, unless extended. Restaurants will be permitted to serve take out or delivery food only and grocery stores may remain open.
9. On March 16, 2020, Supervisor Kathryn Barger announced an Executive Order mandating all bars, clubs, theaters, entertainment centers, and fitness centers in all cities and unincorporated areas in the County of Los Angeles are ordered to be closed until further notice. Restaurants will be permitted to serve take out or delivery food only and grocery stores may remain open.

ANALYSIS:

In response to the COVID-19 outbreak, the City of San Fernando has taken the following actions:

- All community events, recreation and senior programs, except for the Senior Nutrition program, have been cancelled until further notice.
- The Senior Nutrition program will be take-home until further notice and staff is exploring expanding the program to provide additional meals.

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- City Hall has limited public access hours and all park facilities are closed to the public.
- The City has been constantly updating the website, www.sfcity.org, and social media to provide up to date information to the public.

Due to the fluid and constantly changing state of affairs, staff recommends City Council declare a local state of emergency. Declaring a local emergency will give the City the ability to mobilize City resources, accelerate emergency planning, and streamline staffing. In addition, it may allow the City to become eligible for future reimbursements by the state or federal government. The City will continue to work closely with the County of Los Angeles Public Health Department to stay up to date on the latest developments.

Additional actions the City may want to consider:

- Further limit City Hall hours of operations, including consideration of a full closure.
- Mandate all gathering places, including bars, clubs, theaters, entertainment centers, and fitness centers in the City close until further notice. Consider allowing restaurants to serve take out or delivery food only and grocery stores to remain open. Staff is confirming whether the County's order applies to the City of San Fernando, in which case, this action would be moot.
- Work with local grocery stores to provide a time period when only seniors are able to get groceries to limit their potential exposure.
- Explore implementing a moratorium on residential and commercial evictions.
- Use part-time Recreation staff to supplement LAUSD's resource center efforts, where possible.

BUDGET IMPACT:

Declaring a local emergency may make additional federal and state emergency funds available to support the City's current response efforts.

ATTACHMENTS:

- A. Resolution No. 7992
- B. California Department of Public Health Advisory
- C. California Executive Order N-25-20

RESOLUTION NO. 7992

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DECLARING A LOCAL EMERGENCY DUE TO THE PUBLIC THREAT CAUSED BY CORONAVIRUS (COVID-19)

WHEREAS, Coronavirus, also known as COVID-19, was first reported in China in December 2019; and

WHEREAS, in less than three (3) months, COVID-19 has infected over 135,000 people in 120 cases and has caused nearly 5,000 deaths; and

WHEREAS, COVID-19 can take up to 14 days to exhibit symptoms, is highly contagious (even when not showing symptoms), and has no known vaccine; and

WHEREAS, COVID-19 was first identified in the United States on January 21, 2020, and since then, there has been a total of 1,599 confirmed cases and 40 deaths; and

WHEREAS, public facilities, schools, major events, and activities throughout Southern California have been cancelled, closed or postponed; and

WHEREAS, on February 26, 2020, the Centers for Disease Control and Prevention (“CDC”), confirmed the first possible case of community transmission of the COVID-19 in the United States; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency and the County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena all declared Local Emergencies; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 in a further effort to confront and contain COVID-19, that among other things suspended certain provisions of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the continued spread and the effects of COVID-19; and

WHEREAS, as of the date of this Resolution the City of San Fernando (“City”) has taken the following measures to address the COVID-19 outbreak: all community events, recreation and senior programs, except for the Senior Nutrition program, have been cancelled until further notice; the Senior Nutrition program will be take-home until further notice and staff is exploring

expanding the program to provide additional meals; City Hall has limited public access hours and all park facilities are closed to the public; and the City has been constantly updating the website, www.sfcity.org, and social media to provide up to date information to the public; and

WHEREAS, the City Council does hereby find the following:

1. That the above recitals are true and correct and based thereon, hereby finds that the spread and potential further spread of COVID-19 constitutes a situation that severely impairs the public health and safety within the City and constitutes conditions of extreme peril to the safety of persons and property within the City;
2. That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and
3. That the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;

WHEREAS, Chapter 26, Section 61 of the San Fernando Municipal Code specifies the City's Emergency Organization Team shall be comprised of all officers, and employees of the City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under subsection 26-63(a)(6)c be charged with duties incident to the protection of life and property in the City during such emergency; and

WHEREAS, Chapter 26, Section 62 creates the following officers, city administrator shall serve as director of emergency services, the chief of police shall serve as vice director of emergency services, the director of public works shall serve as assistant director of emergency services, and a representative of the City's Police Department shall serve as the coordinator of emergency services; and

WHEREAS, Chapter 26, Section 63 creates all of the powers and duties of the City's Emergency Organization Team.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. At the City Council Regular meeting of March 16, 2020, the City Council declared a Local Emergency due to Coronavirus (COVID-19).

SECTION 2. That during the threatened existence and actual existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, by ordinances, and resolutions of the City and approved by the City Council.

SECTION 3. That the City of San Fernando's Emergency Organization Team are hereby authorized to exercise their powers and duties as provided in § 26.63 of the San Fernando Municipal Code.

SECTION 4. To ensure that City vendors are paid in a timely manner, the City Manager and the City Treasurer are authorized and directed to approve the claims and demands, make payments thereon, and finally to bring those claims and demands to the City Council at future meetings for ratification of the payments made.

SECTION 5. That the City Council will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its council meetings via teleconferencing and other electronic means to permit councilmembers and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of the City's business, in compliance with California Executive Order N-25-20.

SECTION 6. To the full extent ordered by the County of Los Angeles Public Health Department and the State of California, all business establishments for which members of the public typically congregate for eating, recreation or exercise (e.g., restaurants, bars, nightclubs, gymnasiums and the like) shall adhere to the operational restrictions established by declaration, proclamation or executive order of the County of Los Angeles Public Health Department; the State of California and the federal government of the United States of America, including the office of the President of the United States.

SECTION 7. To the fullest extent permitted by applicable law, declaration or executive order of the State of California or as may otherwise be provided under the San Fernando Municipal Code or collective bargaining agreement, the City Manager shall be authorized to make such urgency expenditures as may be necessary to preserve the public health safety and welfare and make such personnel assignments as may be necessary for the orderly and effective functioning of City government, including but not limited to services that directly impact the health and safety of the public.

SECTION 8. That the City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED, AND ADOPTED this 16th day of March, 2020.

Joel Fajardo, Mayor

ATTEST:

Elena G. Chávez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF SAN FERNANDO)

I HEREBY CERTIFY that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 16th day of March, 2020, by the following vote to wit:

AYES:

NOES:

ABSENT:

Elena G. Chávez, City Clerk



To protect public health and slow the rate of transmission of COVID-19, gatherings as described below should be postponed or canceled across the state of California for at least the remainder of the month of March.

The California Department of Public Health finds the following:

- Large gatherings that include 250 people or more should be postponed or canceled.
 - This includes gatherings such as concerts, conferences, and professional, college, and school sporting events.
- Smaller gatherings held in venues that do not allow social distancing of six feet per person should be postponed or canceled.
 - This includes gatherings in crowded auditoriums, rooms or other venues.
- Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people.
 - This includes gatherings such as those at retirement facilities, assisted living facilities, developmental homes, and support groups for people with health conditions.
- A “gathering” is any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space.

This applies to all non-essential professional, social, and community gatherings regardless of their sponsor. Gatherings that do not meet the aforementioned criteria should only be conducted when they are essential—that is, if the activity is essential and could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function.

What will this achieve?

The timely implementation of aggressive strategies that create social distance and those that reduce close contact of people not regularly together, including limiting gatherings, has proven effective in prior pandemics at delaying rates of transmission and reducing illness and death.

By decreasing the prevalence of disease across California we will:

- Reduce the number of Californians who contract COVID-19 before an effective treatment or vaccine is available.
- Protect those most likely to experience severe symptoms, such as older Californians and those with underlying chronic conditions.
- Preserve and protect our health care delivery system, including our health care workforce, so they can care for the least healthy individuals in the community for any medical condition, not just COVID-19.
- Minimize the social and economic impacts of COVID-19 over the long run.

How long will these limitations apply?

This guidance will remain in place at least through the month of March. As with all guidance that relates to COVID-19 response, authorities will revisit this guidance on a regular basis to evaluate the continued public health need for it and to evaluate if any elements need to be changed. To stay informed, continue to monitor this link:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Guidance.aspx>

What is Social Distancing and how is it achieved?

Social distancing is a practice recommended by public health officials to stop or slow down the spread of contagious diseases. It requires the creation of physical space between individuals who may spread certain infectious diseases. The key is to minimize the number of gatherings as much as possible and to achieve space between individuals when events or activities cannot be modified, postponed, or canceled.

Although the Department expects most events with more than 250 attendees to be postponed or canceled, we emphasize that the venue space does matter. Achieving space between individuals of approximately six feet is advisable. Additionally, there is a particular focus on creating space between individuals who have come together on a one-time or rare basis and who have very different travel patterns such as those coming from multiple countries, states or counties.

What can be done to make a gathering safer if it is essential or small?

- Stagger activities.
- Add frequency of an event to spread out attendance, e.g. hold more, smaller gatherings.
- Add distance between where individuals sit or stand around tables.
- Add additional hand washing stations and restrooms.
- Limit the number of people in lines.
- Avoid direct physical contact, such as hand-shaking, holding hands, and hugging.
- Extend hours to allow for staggering of attendance or participation.
- Use phones, videos or video conferencing to reduce the need for close interactions.
- Consider ways to encourage anyone with fever and respiratory symptoms to stay home when sick, such as
 - Offering refunds or support reselling of tickets for persons who become ill.
 - Placing messages on websites, tickets, and venue entrances reminding people to protect one another by staying home if sick.

Examples of Essential Events this Does Not Apply To

The goal of this recommendation is to prevent people physically coming together unnecessarily, where people who have the infection can easily spread it to others. This guidance does not apply to activities such as attendance at regular school classes, work, or essential services.

Please see the [guidance for schools](#) document for additional information.

Certain activities are essential to the functioning of our state and must continue. Hence, this does not apply to essential public transportation, airport travel, or shopping at a store or mall. Other [specific guidance](#) can be found on the CDPH website to help people take actions that can protect them in those settings.

This does not apply to congregate living situations, including dormitories and homeless encampments. For more information on what can be done to protect homeless individuals, please see the [Guidance for Homeless Assistance Providers on Novel Coronavirus \(COVID-19\) \(PDF\)](#).

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

ATTACHMENT A

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS 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; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

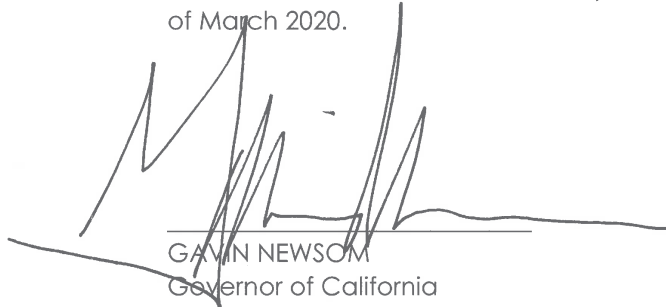
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 12th day
of March 2020.



GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State