



Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Christi Hogin, City Attorney

Approved by: Reva Feldman, City Manager

Date prepared: March 14, 2020 Meeting date: March 16, 2020

Subject: Adoption of Resolution No. 20-14, Ratifying the Director of Emergency Services' Proclamation of Existence of a Local Emergency

RECOMMENDED ACTION: Adopt Resolution No. 20-14 ratifying the proclamation of existence of a local emergency by the Director of Emergency Services.

FISCAL IMPACT: There is a potentially positive fiscal impact associated with the recommended action because the existence of the local emergency will help qualify the City for reimbursement of certain expenditures associated with disaster response.

DISCUSSION: The City has an emergency plan, including an emergency services organization that is activated in the event of emergency to coordinate functions of the City with all other public agencies, organizations and those people affected by the disaster. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City is affected by a public calamity and the City Council is not in session. The Director's declaration is subject to City Council ratification within seven days.

An emergency exists when conditions are beyond the control of the services, personnel, equipment, and facilities of this City. The declaration is an acknowledgement of the need for the combined forces of other political subdivisions to combat.

A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

On March 11, 2020, Los Angeles County announced the first death related to COVID-19.

On March 12, 2020, California Governor Gavin Newsom ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10.

The City activated its Emergency Operations Center on March 12, 2020 and, out of an abundance of caution, the City has cancelled or postponed all non-essential City-hosted and sponsored programs and events until April 30, 2020 to help prevent further spread of coronavirus and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

Effective Monday, March 16, 2020, Malibu City Hall will be opened to the public by appointment only.

Due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency.

Before the City Council today is a resolution ratifying the Director's declaration and proclaiming a state of local emergency. If adopted, the City Council will review, and as needed renew, this action at least every 60 days. The declaration will enable City staff to take actions to respond to the conditions created by COVID-19 and will assist residents and the City in obtaining aid and other assistance.

ATTACHMENTS:

1. Resolution No. 20-14
2. Proclamation of Existence of a Local Emergency

RESOLUTION NO. 20-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU
CONFIRMING EXISTENCE OF A LOCAL EMERGENCY

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. Recitals.

A. Title 2, Chapter 2.52 of the Malibu Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days.

B. A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

D. On March 11, 2020, Los Angeles County announced the first death related to COVID-19.

E. On March 12, 2020, California Governor Gavin Newsom ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10.

F. The City activated its Emergency Operations Center on March 12, 2020 and, out of an abundance of caution, the City has cancelled or postponed all non-essential City-hosted and sponsored programs and events until April 30, 2020 to help prevent further spread of coronavirus and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

G. Effective Monday, March 16, 2020, Malibu City Hall will be opened to the public by appointment only.

H. Due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency.

I. The Director of Emergency Services now requests the City Council ratify the Director's proclamation of the existence of a local emergency issued on March 14, 2020 in accordance with Malibu Municipal Code Section 2.52.060.

SECTION 2. The Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.

SECTION 3. It is hereby proclaimed that a local emergency now exists throughout the City. It is further proclaimed and ordered that during the existence of this local emergency the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by State law and by the ordinances and resolutions of this City.

SECTION 4. The local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council. As required by law, the City Council shall review the need to continue the state of emergency every 60 days until this resolution is terminated.

SECTION 5. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

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

KAREN FARRER, Mayor

ATTEST:

HEATHER GLASER, City Clerk
(seal)

APPROVED AS TO FORM:

THIS DOCUMENT HAS BEEN REVIEWED
BY THE CITY ATTORNEY'S OFFICE

CHRISTI HOGIN, City Attorney



City of Malibu

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**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
REGARDING THE CORONAVIRUS (COVID-19)**
(by the Director of Emergency Services)

**AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF MALIBU DECLARING THE EXISTENCE OF A LOCAL
EMERGENCY**

WHEREAS, the California Emergency Services Act, Government Code sections 8550, *et seq.*, authorizes the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, Title 2, Chapter 2.52 of the City of Malibu's Municipal Code authorizes the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the Director of Emergency Services of the City of Malibu does hereby find as follows:

That there exists a global spread of a severe acute respiratory illness caused by a novel (new) coronavirus ("COVID-19"), an infectious virus that has resulted in the illness and death of several California residents, which the World Health Organization has described COVID-19 as a pandemic;

That the State of California and the County of Los Angeles are reporting exposure of residents to COVID-19 and expect that the number of residents becoming ill from COVID-19 will increase;

That, due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency;

That 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;

That on March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County;

That the President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

That on March 11, 2020, Los Angeles County announced the first death related to novel coronavirus (COVID-19); and

That on March 12, 2020, California Governor Gavin Newsom ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10;

That it is anticipated that more restrictive protocols will be put in place;

That conditions of extreme peril or potential peril to the safety of persons and property exist, and the condition is beyond the capability of the local forces to control effectively;

That the City Council of the City of Malibu is not in session (and cannot immediately be called into session);

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that conditions of extreme peril to the safety of persons and property have arisen within the City caused by a public health emergency related to the COVID-19 virus, which began on March 7, 2020; and

BE IT FURTHER PROCLAIMED that a local emergency now exists throughout the City of Malibu as a result of the COVID-19 virus, and

BE IT FURTHER PROCLAIMED that this proclamation shall be in effect for a period of seven days by which time it must be ratified by the City Council pursuant to Government Code section 8630; and

AND HEREBY ORDERED 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, by ordinances, and resolutions of this City, and by the City of Malibu Emergency Operations Plan, as approved by the City Council on February 25, 2019.; and

BE IT FURTHER ORDERED that all City officers and employees take all steps requested by the Director of Emergency Services to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and,

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BE IT FURTHER ORDERED that all City officers and employees take all steps requested by the Director of Emergency Services to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses in incurs in addressing this emergency.

ADOPTED this 14th day of March 2020.

CITY OF MALIBU, CALIFORNIA

By: Reva Feldman
Reva Feldman, City Manager
Director of Emergency Services

ATTEST:

Heather Glaser
Heather Glaser, City Clerk
(seal)

This proclamation has been issued in accordance with applicable law, is in effect and carries the force of law until March 21, 2020, on which date it expires unless the declaration of local emergency is ratified by the City Council within 7 days of this date.

REVIEWED AND APPROVED AS TO FORM:

Christi Hogin
Christi Hogin, City Attorney

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