



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MAY 26, 2020**

FROM: DIRECTOR OF EMERGENCY SERVICES **WARDS: ALL**

SUBJECT: REVIEW PROCLAMATION OF LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) PROCLAIMED ON MARCH 13, 2020 AND RATIFIED BY CITY COUNCIL ON MARCH 17, 2020 UNTIL TERMINATED BY CITY COUNCIL

ISSUE:

Review the Proclamation of Local Emergency regarding Novel Coronavirus (COVID-19) proclaimed on March 13, 2020 and ratified by the City Council on March 17, 2020 until terminated by the City Council.

RECOMMENDATIONS:

That the City Council:

1. Review the Proclamation of Local Emergency regarding Novel Coronavirus (COVID-19) proclaimed on March 13, 2020 and ratified by the City Council on March 17, 2020 until terminated by the City Council;
2. Continue the Local Emergency; and
3. Return to City Council in thirty (30) days with a further review of the Local Emergency.

LEGISLATIVE HISTORY:

The California Emergency Services Act (Government Code section 8550, et seq.), Government Code section 8630, and Riverside Municipal Code (RMC) sections 2.68.010 and 9.20.060 empower the Director of Emergency Services to proclaim a Local Emergency when the City Council is not in session when there exist conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat. Said proclamation must be ratified by the City council within seven days. The City Council shall review, at least every 30 days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

BACKGROUND:

On March 4, 2020, Governor Newsom declared a state of emergency for the State of California as a result of the threat of COVID-19. On March 11, 2020, Governor Newsom issued his policy recommending the cancellation of public gatherings of 250 people or more and limitations on gatherings of people who are at higher risk for COVID-19 to 10 people or fewer, and delaying or canceling meetings where attendees cannot observe at least six feet of “social distance” from one another.

On March 8, 2020, the Riverside County’s Public Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of a Novel Coronavirus (COVID-19) in Riverside County. On March 10, 2020, the County of Riverside ratified the local emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic.

On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.

On March 13, 2020, the City declared a local emergency to increase its efforts to protect the public from COVID-19. The City’s proclamation of local emergency notes that “there exists conditions of a disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Riverside that are beyond the control of the services, personnel, equipment and facilities of the City for the reason of COVID-19.” The City Council ratified that declaration on March 17, 2020.

Establishing a Local Emergency provides the Director of Emergency Services with certain powers and abilities outlined in RMC 9.20.050 and State law. Some of the powers include:

1. Control and direct the effort of the emergency organization of this City;
2. Direct cooperation and coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them;
3. Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;
4. 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;
5. To obtain vital supplies, equipment and such other properties found lacking and required for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use. In so acquiring such property, the City waives no immunities and incurs no liabilities other than those at common law or those liabilities created by applicable State or Federal law;
6. To require emergency services of any City officer or employee and to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;
7. To requisition necessary personnel or material of any City department or agency; and
8. To execute all of his/her ordinary power as City Manager, all of the special powers conferred upon him/her by this title or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

The Local Emergency in and of itself is a vehicle in case there is a need to issue orders or other items quickly. It typically is in place for the response and the beginning of short-term recovery. The

City is currently in a transition phase while conducting short term recovery activities.

In accordance with RMC section 9.20.060, the City Council shall review, at least every 30 days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

On April 7, 2020, the City Council reviewed the Proclamation of Local and unanimously voted to continue the Local Emergency and return to City Council in 30-days for a further review of the Local Emergency. Additionally, the City Council authorized the City Manager, or his designee, to execute all contracts, agreements, documents and/or grants over \$50,000 that pertain to the Local Emergency and subsequently provide a detailed report of such contracts to the City Council.

On April 21, 2020, the City Council reviewed the Proclamation of Local Emergency and continued the Local Emergency; and directed the Director of Emergency Services to return to City Council within 30 days with a further review of the Local Emergency.

On May 19, 2020, the City Council reviewed the Proclamation of Local Emergency and requested that the review of the proclamation be continued to the Special City Council Meeting scheduled on May 26, 2020 for further review and discussion.

DISCUSSION:

COVID-19 continues to be a serious threat to the health and welfare of people worldwide. The Center for Disease Control and Prevention (CDC) is continuing to monitor and respond to the outbreak of COVID-19 and has issued guidelines recommending the adoption and continuation of policies and routines to enable social distancing wherever possible. As of the writing of this report on May 21, 2020, there are 6,343 confirmed cases of COVID-19 resulting in 284 confirmed deaths in Riverside County, including 1,145 cases and 86 deaths in the City.

At the May 19th City Council meeting, the City Council reviewed the Proclamation of Local Emergency and requested that staff return with information in response to the following questions or concerns regarding the local proclamation:

How does the Proclamation impact funding from FEMA and other government agencies?

In response to the COVID-19 Pandemic, the City has had to purchase items and take other precautionary measures which have had a financial impact on the City. Additionally, the City is projecting a decrease in revenue due to stay at home orders issued by the State and other orders issued in response to the Pandemic, the full extent of which are still unknown. In an effort to respond to aide requests for those in need of financial assistance due to the ramifications of the COVID-19 Pandemic, funding from State and Federal agencies has become available. For example, the Federal Emergency Management Agency (FEMA), is reimbursing local governments for qualifying purchases of personal protective equipment required to combat COVID-19. If the City rescinds the Local Emergency Proclamation, the county local emergency typically is written to include the municipalities for reimbursement.

How does the Proclamation correlate to current or future stages of the Governor's 4 stages?

The City is required to follow the County, State and Federal guidelines and orders regarding the COVID-19 Pandemic. The City may issue more stringent guidelines but cannot issue guidelines which are less stringent without potential violating orders issued by higher levels

of government. If the City terminates the Local Emergency Proclamation, it will continue to be governed by any orders in place at the County level. Likewise, terminating the Local Proclamation also does not release the City from abiding by the Governor's four stages for "reopening."

How does the Proclamation relate to the County local emergency order?

The City's Local Emergency Proclamation concurs with the County of Riverside's Emergency Declaration. If the County of Riverside were to terminate their declaration, the City may choose to retain its proclamation, if desired. Furthermore, if the County continues its declaration of emergency and the City terminates its proclamation, the City will continue to fall under the County's Emergency order and must abide by it.

Are there insights from the County on lifting its order?

Due to time restraints, insights into the County lifting its order will be provided verbally at the May 26, 2020 Council Meeting.

How does the Proclamation impact staff and operations of the City?

Whether the City's Local Emergency Proclamation is terminated or continued has little impact on the staff and City operations as the City must continue to abide by all County, State and Federal regulations for returning to work and continuation of normal operations. Continuing the proclamation may allow the City to take additional protective measures for City staff if there is determined to be a need.

How does the proclamation impact other local orders issued during the emergency?

There are at least three orders that are dependent upon the Proclamation of Local Emergency. If the Local Emergency Proclamation is terminated the following orders will also be terminated:

1. Suspension of Utility Shutoffs
2. Suspension of Delivery Restrictions
3. Tenant Evictions Moratorium

Orders under the Local Emergency should be reviewed to terminate them sooner than the Local Emergency. Other orders should be reviewed in the event the Local Emergency Proclamation is terminated to determine need.

The City continues to be impacted by the COVID-19 Pandemic and in order to act swiftly staff recommends continuing the order until the County and/or the State determine the emergency to be at an end.

FISCAL IMPACT:

The total fiscal impact of extending the Order is significant but unknown at this time.

Prepared by: Al Zelinka, Director of Emergency Services
Approved as
to form: Gary G. Geuss, City Attorney

Attachments:

1. Proclamation of Local Emergency regarding Novel Coronavirus (COVID-19)
2. Resolution Ratifying the Proclamation