



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: MAY 11, 2021**

**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.

On May 26, 2020, the City Council reviewed the Proclamation of Local Emergency, continued the Proclamation and directed staff to return within 30 days to review and discuss the order again.

On June 16, 2020, the City Council reviewed the Proclamation of Local Emergency, continued the Proclamation and directed staff to return within 30 days for further review and discussion of the Order.

On June 18, 2020, Governor Newsom required face coverings given an increase in positive cases, hospitalizations, ICU bed use and other concerns relative to COVID-19.

On July 1, 2020, Governor Newsom ordered all bars, wineries, and breweries to be closed as well as all indoor dining due to the increase in positive cases, hospitalizations, ICU bed use and other concerns relative to COVID-19. To continue to provide more outdoor dining for restaurants, the City revised its Temporary Outdoor Flex Space of Restaurants to allow for easier outdoor dining on July 2, 2020.

On July 13, 2020, Governor Newsom ordered the closure of indoor operations including gyms and fitness centers, places of worship, indoor protests, offices for non-critical infrastructure sectors, personal care services, hair salons, and barbershops, and malls.

Following the surge of COVID-19 cases in July 2020, the City Council has reviewed the Proclamation of Local Emergency and voted to continue the Local Emergency on the following dates: July 21, 2020; August 18, 2020; September 15, 2020; October 20, 2020; November 17, 2020; December 15, 2020; January 12, 2021; February 9, 2021; March 9, 2021; and April 13, 2021.

Fortunately, the pandemic continues to improve. The recent transition of Riverside County from the Substantial (red) Tier to the Moderate (orange) Tier is one such indicator. As the County transitions to other tiers (i.e., Minimal), the benefits of the local emergency declaration by the City of Riverside will continue to be scrutinized. For regional context, per the April 14, 2021, Situation Summary by the Riverside County/Operational Area Emergency Operations Center, indicates 25 of 28 cities in Riverside County have a proclaimed local emergency in effect. The County of Riverside declaration of local emergency also remains in effect.

## **DISCUSSION:**

COVID-19 continues to be a serious threat to the health and welfare of people worldwide. As of the writing of this report on April 22, 2021, there are 3,624,838 confirmed cases of COVID-19 in the State of California, resulting in 59,992 confirmed deaths. In Riverside County, there were 297,631 confirmed cases, resulting in 4,547 confirmed deaths, including 47,447 cases in the City of Riverside and 758 deaths.

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. The Proclamation of Local Emergency, which has been ratified by the City Council, requires further review:

Proclamation Declaring Local Emergency to increase efforts to protect the public from COVID-19:

- a. Issued March 13, 2020.
- b. Ratified by the City Council on March 17, 2020
- c. Most recently reviewed and extended on April 13, 2021
- d. Next review by City Council on June 8, 2021

## **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: Kristi J. Smith, Interim City Attorney

Attachments:

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