

RESOLUTION NO. 20-869

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENIFEE, CALIFORNIA, PROCLAIMING EXISTENCE AND THREATENED EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Chapter 1.10 of the City of Menifee's (the City) Municipal Code empowers the City Council to proclaim the existence or threatened existence of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as an epidemic; and

WHEREAS, pursuant to Menifee Municipal Code Section 1.10.050(A)(1), while in session the City Council has been asked by the Director of Emergency Services of the City to proclaim that a local emergency exists; and

WHEREAS, the City Council finds that there exists and is threatened to exist conditions of disaster and extreme peril to the safety of persons and property within the City caused by novel coronavirus (COVID-19) epidemic/pandemic. COVID-19 causes infectious diseases and was first detected in Wuhan City, Hubei Province, China in December 2019.

WHEREAS, as of March 18, 2020, COVID-19 has spread globally to over 155 countries, infecting more than 212,000 persons and killing more than 8,700 individuals worldwide. Due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warnings for countries with sustained or uncontrolled community transmission issued by the Centers of Disease Control and Prevention (CDC), COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, on January 30, 2020 the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern";

WHEREAS, on January 31, 2020 United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19;

WHEREAS, on February 26, 2020 the CDC confirmed the first case of local person-to-person community transmission of COVID-19 in the United States;

WHEREAS, on March 8, 2020 the Health Officer of Riverside County determined that there is an imminent threat to the public health from the introduction of COVID-19 and declared a local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in California due to the introduction and spread of COVID-19;

WHEREAS, on March 11, 2020 the WHO elevated the public health emergency caused by the spread of COVID-19 to the status of a pandemic; and

WHEREAS, as of March 18, 2020, there were 16 known and confirmed cases of COVID-19 within Riverside County, and there were two known cases of COVID-19 in Western Riverside County; 12 of the 16 cases were locally acquired; there were three known deaths.

WHEREAS, on March 15, 2020, the Governor of the State of California released statewide guidance, urging the highest risk of population (individuals who are 65 years or older, or have compromised immune system) to self-isolate at home;

WHEREAS, on March 16, 2020, the President of the United States issued “The President’s Coronavirus Guidelines for America: 15 Days to Slow the Spread,” which recommended, and among other things:

- **Exhibiting Symptoms**: “If you feel sick, stay home. Do not go to work. Contact your medical provider.”
- **Children**: “If your children are sick, keep them at home. Do not send them to school. Contact your medical provider.”
- **Tested Positive**: “If someone in your household has tested positive for the coronavirus, keep the entire household at home. Do not go to work. Do not go to school. Contact your medical provider”.
- **Older Persons**: “If you are an older person, stay home and away from other people.”
- **Vulnerable**: “If you are a person with a serious underlying health condition that can put you at increased risk (for example, a condition that impairs your lung or heart function or weakens your immune system), stay home and away from other people.”
- **Young and Healthy**: “Even if you are young, or otherwise healthy, you are at risk and your activities can increase the risk for others. It is critical that you do your part to stop the spread of the coronavirus: (a) work or engage in schooling from home whenever possible; ... (c) avoid social gatherings in groups of more than 10 people; (d) avoid eating or drinking in bars, restaurants, and food courts – use drive-thru, pickup, or delivery options; (e) avoid discretionary travel, shopping trips, and social visits; (f) do not visit nursing homes or retirement or long-term care facilities unless to provide critical assistance.”

WHEREAS, on March 13, 2020, school districts serving the City of Menifee, including Menifee Union School District, announced the closure of schools due to COVID-19, effective March 16, 2020;

WHEREAS, on March 16, 2020, the Health Officer of the County of Riverside issued the “Order of the Health Officer of the County of Riverside Cancelling All Gatherings With Expected Presence of Above 10 Individuals” which is enforceable by fine, imprisonment or both, and which orders, among other things, as follows:

- **Gatherings of 10 or More Prohibited**: All gatherings within Riverside County “with an expected presence of at least **10** individuals taking place between March 16, 2020 and April 30, 2020 inclusive are **prohibited**, regardless of venue. If a venue is subdivided into multiple spaces separated by walls or enough airspace, the limit per subdivision of space is 10.”

- **Gatherings of Less Than 10**: If a minimum social distance of 6 feet per person cannot be maintained, gatherings of less than 10 are also **prohibited**.
- **Exceptions**: As relevant to the City, the County Health Officer's order does not apply to "**critical city operations**", so long as they observe all applicable state and federal guidelines for infection control; it does, however, apply to all non-critical city operations.
- **Rationale**: The Order explains that "As the presence of individuals [exposed to COVID-19] increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case ***rises exponentially***, increasing the likelihood that such gatherings will impair efforts at mitigating the spread of the illness.

WHEREAS, a proclamation of emergency authorizes the City to move quickly to address the significant and changing needs and challenges caused by COVID-19 epidemic; the emergency proclamation enables to Director of Emergency Services to, among other things:

- (i) **Internal Coordination and Organization**: The Director controls and directs the effort of the city's emergency organization, directs cooperation between and coordination of services and staff of the city's emergency organization, and resolves questions of authority and responsibility that may arise between them;
- (ii) **Coordination with Public and Private Agencies**: The Directors represents the City in all dealings with public or private agencies on matters pertaining to emergencies;
- (iii) **Rules and Regulations to Protect Life and Property**: The Director makes and issues 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;
- (iv) **Acquiring Vital Supplies**: The Director obtains vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property;
- (v) **Commands Emergency Services of City Employees**: The Director requires emergency services of any city officer or employee, and requisitions necessary personnel or material of the city's departments or agencies; and
- (vi) **Additional Duties and Responsibilities as Assigned**: execute all special powers conferred by resolution adopted by the City Council, all powers conferred by any statute, by any agreement approved by the City Council, and by any other lawful authority.

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal Governments will be critical to successfully responding to COVID-19;

WHEREAS, these conditions of extreme peril warrant and necessitate that the City of Menifee proclaim the existence of a local emergency and grant the authority and duties further specified in this resolution.

NOW, THEREFORE, IT IS PROCLAIMED that a local emergency exists throughout the City and that the Emergency Organization of the City of Menifee, by and through the Director of Emergency Services, shall take all necessary steps for the protection of life, health and safety in the City of Menifee, including those steps authorized in Menifee Municipal Code Chapter 1.10, those steps further authorized in this resolution, and such additional steps as the City Council may authorize from time to time; and

IT IS FURTHER PROCLAIMED, that all City Departments shall, under the direction of the Director of Emergency Services, review and revise their department emergency and contingency plans to address the risks COVID-19 poses to their critical functions; and

IT IS FURTHER PROCLAIMED, that all City Departments shall track costs for staffing, supplies, and equipment related to COVID-19 preparation and prevention and forward that information to the City's Finance Department; and

IT IS FURTHER PROCLAIMED, the Director of Emergency Services shall coordinate citywide planning, preparedness and response efforts regarding COVID-19 with the Riverside County Department of Public Health and the Riverside County Office of Emergency Services (OES), and all other appropriate authorities.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Menifee, California as follows:

Section 1. The area of the City which is endangered/imperiled is the entire City. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City.

Section 2. In addition to the authority, duties, and responsibilities set forth in Chapter 1.10 of the Menifee Municipal Code, the Director of Emergency Services shall perform the following additional responsibilities and have the following additional authority for the duration of the declared emergency:

- (i) **Economic Development:** The Director shall explore and implement economic development incentives, up to a maximum cumulative amount of \$250,000 to assist local businesses during the period of the emergency. Preferred programs will be those that assist local businesses in providing essential services to vulnerable populations (e.g., meal delivery).
- (ii) **City Hall Staffing:** The Director shall develop and implement a staffing plan that is consistent with the guidance provided by President Trump, the Riverside County Health Official, and other applicable rules and guidelines. In formulating the staffing plan, the Director shall balance the public health and safety of the Menifee community, the public health and safety of all City employees, and the need to continue to provide essential City services for the near- and long-term duration of the emergency.
- (iii) **Public Safety:** The Director shall work with all public safety authorities (e.g., Riverside County Sheriffs, CalFire), and with the City's Police Department, to ensure that the City's public safety needs are being satisfied.

- (iv) **Ongoing Services**: The Director shall make recommendations to the City Council to facilitate the continuing processing of permits, plans, and other entitlements and authorizations of the City;
- (v) **Commission and Committee Meetings**: The Director shall make recommendations for waiving or combining the functions of City Commissions (and expanding the use of telephonic meetings in lieu of in person meetings) so as to minimize in-person meetings where possible. Until such recommendations are considered and acted upon by the City Council, all meetings of all commissions and committees – excluding the Planning Commission – are hereby postponed.
- (vi) **Contracting Authority**: The Director, in his capacity as City Manager, shall have authority to approve, as necessary to address the COVID-19 emergency, all contracts up to \$100,000 without prior City Council authorization. For contracts up to \$200,000, as necessary to address the COVID-19 emergency, the Director will provide 24 hours prior notice of his intent to enter into such contract; if no member of the City Council requests City Council consideration of the contract within the 24 hour period, the Director (in his capacity as City Manager) shall have the authority to enter into the contract on the City's behalf. In addition, in order to keep the City's contracting procedures functioning efficiently while reducing the City Council's meeting frequency, the Director will provide 24 hours prior notice of his intent to enter into any contract below \$200,000 that does *not* relate to the COVID-19 emergency; if no member of the City Council requests City Council consideration of the contract within the 24 hour period, the Director (in his capacity as City Manager) shall have the authority to enter into the contract on the City's behalf. The Director shall exercise a preference for local City of Menifee businesses in utilizing the contracting authority delegated in this paragraph. All contracts may be routed and signed via secure electronic signature technology(ies) to the full extent otherwise allowable by law. The City Council understands, acknowledges, and intends, that this is a delegation of authority for emergency purposes.
- (vii) **Reporting Obligations**: The Director shall regularly report on the status of the emergency and the City's response thereto through memoranda to all members of the City Council. Members of the City Council that desire further discussion or evaluation of specific facets of the emergency response may request that an item be agendaized for consideration at the next regularly scheduled City Council meeting (or a special meeting if necessary).

Section 3. City Council meetings on the first Wednesday of each month shall be cancelled until further notice. City Council meetings on the third Wednesday of each month shall continue, but members of the public, staff, and City Council will be encouraged to telecommute to the maximum extent feasible. If deemed necessary by the Director, City Council meetings shall be closed to in-person attendance by members of the public; provided, however, that a right to telephonic and/or other remote participation shall be publicized to the Menifee community and described on each City Council agenda.

Section 4. A copy of this Resolution will be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Menifee; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under that California Disasters Assistance

Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

Section 5. This Resolution shall take effect immediately and widespread publicity and notices shall be given said Declaration through the most feasible and adequate means of disseminating such notices throughout the City;

Section 6. This Resolution shall remain in effect until terminated by further action of the City Council of the City of Menifee; provided, however, that the continuing need for the proclamation of emergency shall occur on each monthly City Council meeting.

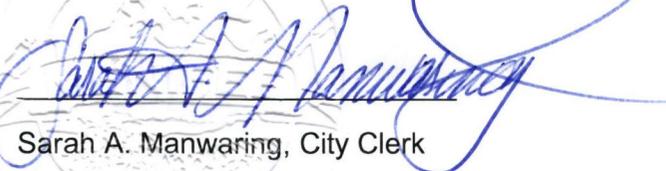
Section 6. The duration of this local emergency, the powers, functions and duties of the emergency organization of the City shall be those, prescribed by state law, by ordinances and by resolutions of the City and by the City's Emergency Operations Plan as approved by the City Council of Menifee at 29844 Haun Road, Menifee, CA 92586 on March 18, 2020; and that this local emergency shall be deemed to exist until its termination is proclaimed by the City Council of the City of Menifee, State of California.

PASSED, APPROVED AND ADOPTED this 18th day of March, 2020.



Bill Zimmerman, Mayor

Attest:

Sarah A. Manwaring, City Clerk

Approved as to form:



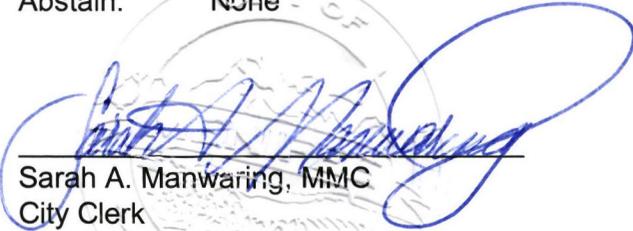
Jeffrey T. Melching, City Attorney



STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)ss
CITY OF MENIFEE)

I, Sarah A. Manwaring, City Clerk of the City of Menifee, do hereby certify that the foregoing City Council Resolution No. 20-869 was duly adopted by the City Council of the City of Menifee at a meeting thereof held on the 18 of March 2020 by the following vote:

Ayes: Deines, Liesemeyer, Sobek, Zimmerman
Noes: None
Absent: August
Abstain: None



Sarah A. Manwaring, MMC
City Clerk

