

RESOLUTION NO. 2020-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON,
CALIFORNIA, RATIFYING PROCLAMATION NO. 2020-01 DECLARING
THE EXISTENCE OF A LOCAL EMERGENCY

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES HEREBY RESOLVE
AS FOLLOWS:

WHEREAS, Fullerton Municipal Code Chapter 2.08 empowers the City Manager, as the Director of Disaster Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550, et seq., including Section 8558(c), authorize the City Council to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Hubei Province, China in December 2019 and has since been confirmed in 162 countries. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern" and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. 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. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, as of March 16, 2020, the WHO reported that, to date, there are 184,248 confirmed cases of COVID-19, 7,128 of which resulted in death, across 162 countries; and

WHEREAS, as of March 16, 2020, there were 3,487 confirmed cases of COVID-19 in the United States, including 472 in California, and currently over a thousand Californians across 48 counties in home monitoring based on possible exposure to the virus, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Public Health on March 11, 2020 issued a statement entitled "California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19," determining that gatherings should be postponed or canceled across the state until at least the end of March. Since that time, both Federal, State, and County public health experts have increased the response to this health crisis and have provided guidance that all persons over age 65 and those with underlying health conditions should isolate at home and practice social distancing; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, *inter alia*, that all residents are to heed the orders and guidance of State and local public health officials; and

WHEREAS, the City of Fullerton has the power to impose measures to promote social distancing including but not limited to limitations on public events within the City of Fullerton; and

WHEREAS, State and local public health officials may, as they deem necessary in the interest of public health, issue orders limiting attendance at public assemblies, conferences, or other mass events, which will cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS, Fullerton is a densely populated city within Orange County, which is the sixth largest county in the United States, with one of the highest population densities; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen due to the potential introduction of COVID-19 to Fullerton and Orange County; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the community, and limits the spread of infection in the community and within the healthcare delivery system; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, on March 16, 2020 the City Manager, as the City's Director of Disaster Services, declared a local emergency as authorized by Government Code section 8630 and Fullerton Municipal Code Chapter 2.08. A true and correct copy of Proclamation No. 2020-01 is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Fullerton as follows:

- A. The City Manager's Proclamation of Local Emergency No. 2020-01 dated March 16, 2020, and orders contained therein, is hereby ratified.
- B. As contemplated in the Emergency Services Act contained in Government Code Section 8550, et seq., including Section 8558(c), and Chapter 2.08 of the Fullerton Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by an epidemic, as detailed in the recitals set forth above.
- C. The area of the City which is endangered/imperiled is the entire City.
- D. 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, including but not limited to the City of Fullerton Emergency Operations Plan.
- E. This local emergency shall continue to exist until the City Council proclaims the termination of this local emergency.
- F. That a copy of this resolution and the emergency proclamation 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 Fullerton; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

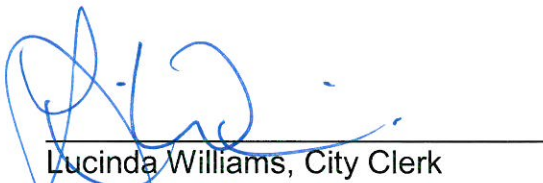
ADOPTED BY THE FULLERTON CITY COUNCIL ON MARCH 17, 2020.



Jennifer Fitzgerald, Mayor

ATTEST:

APPROVED AS TO FORM:



Lucinda Williams, City Clerk

Richard D. Jones, City Attorney

March 19, 2020

Date

