TO: Mayor and City Council
FROM: David W. Rowlands, City Manager
DATE: March 17, 2020

RE: CITY COUNCIL AFFIRMATION OF CITY OF FILLMORE LOCAL EMERGENCY DECLARATION REGARDING COVID-19

DISCUSSION

The City of Fillmore’s Emergency Services Director declared a Local Emergency on Friday, March 13, 2020 due to the Public Health threat caused by global Coronavirus (COVID-19) pandemic. Although there are zero confirmed cases in Fillmore as of March 13th, the declaration was undertaken out of an abundance of caution to allow City staff the ability to protect the health, safety, and welfare of our community members and employees. This declaration was made, in part, in response to the Ventura County Public Health Department’s March 12th announcement declaring a local emergency and the Governor’s recent declaration of a state of emergency.

The City of Fillmore’s emergency declaration enabled City officials and staff to mobilize resources, formalize an emergency action and contingency plan, and obtain additional resources should an outbreak occur in the City.

The March 13th proclamation was made by the City Manager, who the designated Director of Emergency Services, pursuant to Municipal Code Section 15.04.050(a). California Government Code Sections 8558 and 8630, et seq., and Fillmore Municipal Code Section 15.04.060(a)(1) empower the City’s Director of Emergency Services to declare a local emergency when the City Council is not in session. Pursuant to Government Code Section 8630 a local emergency declared by the Director of Emergency Services may only remain in effect for a period up to seven days unless the local emergency is ratified by the City Council. Accordingly, City staff respectfully request that the City Council adopt Resolution 20-3751 to affirm the declaration of a local emergency.

FISCAL IMPACT

There is no fiscal impact currently.

RECOMMENDATION

Affirm the City of Fillmore’s Local Emergency Declaration and adopt the attached Resolution 20-3751.
RESOLUTION 20-3751


WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubie Province, China; and

WHEREAS, COVID-19 has since spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Newson declared the existence of a state of emergency for the State of California; and,

WHEREAS, on March 12, 2020, the County declared the existence of a local emergency for Ventura County; and,

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the City, and to prepare to respond to an increasing number or individuals who may require medical care; and

WHEREAS, California Government Code Sections 8558 and 8630, et seq., and Fillmore Municipal Code Section 15.04.060(a)(1) empower the City’s Director of Emergency Services to declare a local emergency if the City Council is not in session; and

WHEREAS, the City Manager of the City of Fillmore is designated as the Director of Emergency Services pursuant to Municipal Code Section 15.04.050(a); and

WHEREAS, strict compliance with certain Fillmore Municipal Code and other City regulations could prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and

WHEREAS, on March 13, 2020, the City’s Director of Emergency Services declared a local emergency thereby activating the Emergency Operations Center due to threats to people within the City from COVID-19, which threats are likely to be beyond the control of the services, personnel, equipment and facilities of the City and will likely require the combined forces of the other political subdivisions of the county, state and federal government; and
WHEREAS, per Government Code Section 8630 a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council; and

WHEREAS, the Director or Emergency Services requests that the City Council of the City of Fillmore proclaim the existence of a local emergency; and

WHEREAS, after consideration of all items before it, the City Council of the City of Fillmore desires to declare a state of emergency to make additional resources available to address the effects of COVID-19.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FILLMORE, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Conditions of extreme peril to the safety of persons and property have arisen within the City of Fillmore, caused by the effects of COVID-19.

SECTION 2. The aforementioned conditions of extreme peril warranted and necessitated the proclamation of the existence of a local emergency by the City’s Emergency Service Director.

SECTION 3. The City Council does hereby ratify and confirm the declaration of a local emergency by the Emergency Services Director.

SECTION 4. During the existence of said local emergency, the powers, functions and duties of the Emergency Services Director and the City’s Disaster Council shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City to mitigate the effects of said local emergency. In this regard, the Council desires to make clear the powers, functions, and duties include:

(a) As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, as well as any City procurement or related policy, are suspended to the extent reasonably necessary to address the effects of COVID-19.

(b) The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order of quarantine or curfew, as well as ordering potentially ill City employees to leave the workplace, authorizing certain City employees to work remotely, taking steps to limit non-essential contact by City employees, etc., to address the effects of COVID-19.

SECTION 5. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

SECTION 6. The Government Code Section 8630 requirement that the Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency has been waived for the duration of the statewide emergency declared by Governor Newsom. If this declaration of local emergency extends for more than the duration of the statewide emergency
declared for COVID-19, City Staff are directed to thereafter return this item for Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency.

SECTION 7. This Resolution shall take effect immediately. This Resolution and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.

SECTION 8. That all City departments are directed to take those actions, measures and steps deemed necessary to assure the safety and welfare of the inhabitants of the City of Fillmore and property, including requesting mutual aid to the extent such aid is necessary.

PASSED, APPROVED AND ADOPTED this ___th day of March, 2020.

________________________________________
Tim Holmgren, Mayor

ATTEST:

______________________________
Oliva Carrera Lopez, City Clerk

APPROVED AS TO FORM:

______________________________
Tiffany J. Israel, City Attorney
CITY OF FILLMORE   )
COUNTY OF VENTURA  )
STATE OF CALIFORNIA  )

I, Oliva Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Resolution No. 20-3751 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the ___th day of March, 2020, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

______________________________
Oliva Carrera Lopez, City Clerk