

RESOLUTION NO. 2020-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SANTA ANA PROCLAIMING A LOCAL EMERGENCY
REGARDING NOVEL CORONAVIRUS (COVID-19)**

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) has confirmed multiple cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

WHEREAS, the World Health Organization declared COVID-19 a public health emergency of international concern, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public health emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on February 26, 2020, the County of Orange declared a local emergency and a local health emergency to prepare for COVID-19 and to better leverage resources in order to prepare for its staffing needs and greater agency coordination while allowing for future reimbursement for County activities by state and federal governments in the event of a COVID-19 outbreak in Orange County; and

WHEREAS, on March 4, 2020 California Governor Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, California Governor Newsom issued Executive Order N-25-20 which ordered all residents to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to COVID-19; and

WHEREAS, on March 15, 2020, Governor Newsom issued an additional Executive Order asking senior citizens to isolate themselves and calling for all bars, wineries, nightclubs and brewpubs to close and restaurants to reduce occupancy by half; and

WHEREAS, the imminent and proximate threat of introduction of COVID-19 in the City of Santa Ana threatens the safety and health of City residents; and

WHEREAS, California Government Code Section 8630 and City of Santa Ana Municipal Code section 2-404A empower the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, a declaration of a local emergency will assist in a coordinated public health response to reduce transmission and illness severity, provide assistance to health care providers, coordinate and mitigate public services that may be disrupted from this emergency, and mitigate any other effects of this emergency on the citizens of the City; and

WHEREAS, Government Code section 8630 generally requires the City Council to review the need for continuing the local emergency at least every sixty (60) days, but as part of Governor Gavin Newsom's March 4, 2020 Declaration of a State of Emergency in California due to COVID-19, this provision has been waived for the duration of the statewide emergency, allowing the City to maintain its emergency in place until terminated by the City Council, and Santa Ana Municipal Code Section 2-404A shall be similarly waived; and

WHEREAS, the City Council desires to declare a local emergency.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Santa Ana hereby finds, determines and declares as follows that:

Section 1. Pursuant to California Government Code section 8630 and City of Santa Ana Municipal Code section 2-404A, the City Council hereby finds and proclaims a local emergency caused by conditions or threatened conditions of COVID-19 in the City of Santa Ana, which constitutes an extreme peril of health and safety of persons within the territorial limits of the City.

Section 2. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

Section 3. The City Manager, acting as the Director of Emergency Services, is hereby authorized to furnish information, to promulgate orders and regulations necessary to provide for the protection of life and property pursuant to California Government Code section 8634 and Santa Ana Municipal Code section 2-404A, to enter into agreements and to take all actions necessary to obtain State emergency assistance to implement preventive measures to protect and preserve the residents of the City within the scope of the local emergency hereby declared.

Section 4. Pursuant to California Penal Code section 396, upon and for a period of 30 days following the proclamation of the local emergency hereby declared, it is unlawful for any person or business of the City of Santa Ana to sell or offer to sell consumer food items or goods and other goods or services for a price of more than 10% greater than the price charged by that person or business for those goods or services

immediately prior to the proclamation of emergency. This statute also authorizes the City Council to extend these price controls for additional 30-day periods as needed to protect the lives, property or welfare of the citizens. However, the Governor's State of Emergency waived the time limitation as it relates to emergency supplies and medical supplies and those price-gouging protections shall remain in effect through September 4, 2020.

Section 5. The City Council further orders that:

- A. Pursuant to Santa Ana Municipal Code section 2-404C, the City Manager or Director of Emergency Services pursuant to Santa Ana Municipal Code section 2-402C1 is authorized to extend any and all agreements and contracts, regardless of dollar value, that may expire during the local emergency called pursuant to this Resolution and which are immediately necessary for the continuing operation of City services or to protect the life and property of the residents of the City. Such extension shall not exceed sixty (60) days after the end of the local emergency. All contracts or agreements extended pursuant to this Resolution will be presented in a report to the City Council at the first meeting after termination of the local emergency.

- B. The City Manager or Director of Emergency Services pursuant to Santa Ana Municipal Code section 2-402C1 is authorized to set the hours of City Hall and all other City buildings, including but not limited to, the Police Department, Community Centers, and Public Libraries during the local emergency including but not limited to closing City Hall, closing City Hall to all non-essential employees, and/or authorizing employees to tele-commute or work from home.

- C. Consistent with Santa Ana Municipal Code section 2-404A, the City Manager shall have executive authority, during this local emergency, over fiscal and administrative matters, including but not limited to making decisions concerning:
 - 1) the collection or waiver of late charges or fees for any City-provided service;
 - 2) the shut-off and extension of any City-provided utilities;
 - 3) direction to staff concerning the issuance of citations or enforcement of parking violations and the waiver thereof based on demonstration of hardship; and
 - 4) employee use of leave balances outside of MOU provisions if employees are experiencing hardships related illness or providing care to family members.

- D. If the State of California does not, within 72 hours from the adoption of this Resolution, provide eviction relief during this local emergency for residential tenants, City staff shall prepare and produce for the Council's consideration an urgency ordinance to provide such eviction relief.
- E. City staff is directed to monitor and consult with state and federal officials and express support for the protection of business owners from foreclosures and creditors and to bring to the Council's attention any actions that can be taken in furtherance of such protections.
- F. City staff shall consistently communicate with the Council and the public frequently through a variety of measures to re-assure the public and keep everyone informed of measures taken to protect public health and safety.

Section 6. During the existence of said local emergency, the powers, functions, and duties of the emergency organization of the City shall be those prescribed by state law, City Charter, ordinances, and resolutions of this City of Santa Ana.

Section 7. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of March, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

SONIA R. CARVALHO
CITY ATTORNEY

AYES Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____

NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council do hereby attest to and certify the attached Resolution No. 2020-0XX to be the original resolution adopted by the City Council of the City of Santa Ana on March ____, 2020.

Date _____

Daisy Gomez
Clerk of the Council
City of Santa Ana