



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 3140-20

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATWATER RATIFYING THE
PROCLAMATION OF EXISTENCE OF A LOCAL
EMERGENCY BY THE DIRECTOR OF
EMERGENCY SERVICES**

WHEREAS, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (COVID-19) was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, affecting countries throughout the world; and

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness and death, and is easily transmitted; and

WHEREAS, on January 23, 2020, the National Centers for Disease Control and Prevention activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS, on January 30, 2020 the World Health Organization declared the outbreak to be a "public health emergency of international concern;" and

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

WHEREAS, on March 4, 2020, the Governor of California proclaimed a State of Emergency; and

WHEREAS, on March 9, 2020, in response to this emerging public health threat, the City of Atwater was the first city in Merced County to declare COVID-19 to be an Emergency Situation; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, the Governor of California issued a new executive order further enhancing state and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, as of March 13, 2020, it was reported that COVID-19 had spread to over 90 countries and is spreading to a growing number of California cities and counties; and

WHEREAS, on March 13, 2020, a local and public health emergency was declared by the Merced County Office of Emergency Services and Department of Public Health due to the threat of COVID-19 in Merced County; and

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

WHEREAS, on March 16, 2020, the City Manager, in her capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Atwater, pursuant to Atwater Municipal Code section 2.44.060; and

WHEREAS, neighboring jurisdictions in counties outside the City of Atwater are reporting their first cases of COVID-19; and

WHEREAS, since the health, safety, and welfare of Atwater residents, businesses, visitors, and staff is of utmost importance to the City, additional emergency measures may be needed to protect the community; and

WHEREAS, ratification of a formal declaration of a local emergency as set forth herein, which further effectuates, consummates, and perfects the intent of the City's prior emergency measures taken on March 9, 2020, is necessary to allow additional resources to flow to the City in a timely fashion; and

WHEREAS, California Government Code section 8630 and Atwater Municipal Code section 2.44.060 authorizes the Director of Emergency Services for the City of Atwater to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, section 2.44.050 of the Atwater Municipal Code designates the City Manager as the Director of Emergency Services; and

WHEREAS, conditions related to COVID-19 warranted the proclamation of a local emergency, as defined by Atwater Municipal Code Chapter 2.44 et seq.; and

WHEREAS, the City Council must ratify that proclamation within seven (7) days, or the proclamation of a local emergency will not remain effective; and

WHEREAS, the local emergency proclamation enables the City to more effectively respond to the outbreak, and potentially obtain reimbursement for the response, and authorizes other political subdivisions and state agencies to provide mutual aid, and provides some immunity to physicians, hospitals, nurses, and other specified persons providing medical care at the express or implied request of the County Public Health Officer; and

WHEREAS, in order to help preserve the public health of its residents, this City Council makes these findings and gives the direction herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atwater that it hereby ratifies the Proclamation of the Existence of a Local Emergency issued by the City Manager in her capacity as Director of Emergency Services, dated March 16, 2020, attached to this Resolution as **Exhibit "A."**

BE IT FURTHER RESOLVED that because a substantial threat to public health and safety exists that has a substantial likelihood that serious harm will be experienced unless immediate action is taken, the City Manager is authorized to take any lawful personnel action that protects the health and safety of the workforce or the community and the City is authorized to postpone and/or delay any associated meet and confer obligations when taking actions in response to the emergency. In addition, the City Manager is authorized and directed to make any necessary appropriations/purchases for goods or services directly related to remediating, mitigating, and/or providing relief of the impacts of this crisis and will report any and all such purchases made pursuant to this authority to the City Council every 30 days.

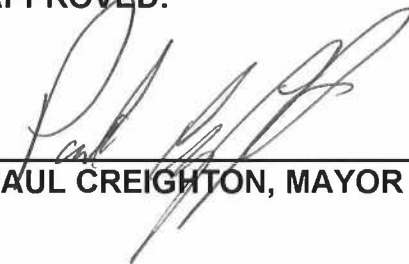
BE IT FURTHER RESOLVED that the City Manager or her designee is hereby authorized to carry out executive orders and guidance provided by Federal, State, and County government as deemed necessary.

BE IT FURTHER RESOLVED that said local emergency shall be deemed as continuing to exist until proclaimed otherwise by the Director of Emergency Services or the City Council.

The foregoing resolution is hereby adopted this 19th day of March 2020.

AYES: Vierra, Raymond, Cale, Creighton
NOES: None
ABSENT: Ambriz

APPROVED:



PAUL CREIGHTON, MAYOR

ATTEST:



LUCY ARMSTRONG, CITY CLERK



PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY DIRECTOR OF EMERGENCY SERVICES

WHEREAS, in December 2019, an outbreak of respiratory illness due to the novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, affecting countries throughout the world; and

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness and death, and is easily transmitted; and

WHEREAS, on January 23, 2020, the national Centers for Disease Control and Prevention (CDC) activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

WHEREAS, on January 30, 2020 the World Health Organization declared the outbreak to be a "public health emergency of international concern"; and

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

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic; and

WHEREAS, on March 12, 2020, the Governor of the State of California issued a new executive order further enhancing state and local government's ability to respond to the COVID-19 pandemic; and

WHEREAS, as of March 13, 2020, it has been reported that COVID-19 has spread to over 90 countries and is spreading to a growing number of California cities and counties; and

WHEREAS, on March 13, 2020, a local and public health emergency was declared by the Merced County Office of Emergency Services and Department of Public Health due to the threat of COVID-19 in Merced County; and

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

WHEREAS, neighboring jurisdictions in counties outside the City of Atwater are now reporting their first cases of COVID-19; and

WHEREAS, in response to this emerging public health threat, the City of Atwater was the first City in Merced County to declare COVID-19 to be an Emergency Situation; and

WHEREAS, since the health, safety, and welfare of Atwater residents, businesses, visitors, and staff is of utmost importance to the City, additional emergency measures may be needed to protect the community; and

WHEREAS, even though the City of Atwater, and its first responders, have taken significant measures in addressing and preparing against this emerging public health concern and to preserve the public health of its residents, the City may require additional assistance in the future,

WHEREAS, a formal declaration of a local emergency as set forth herein, which further effectuates, consummates, and perfects the intent of the City's prior emergency measures taken on March 9, 2020, is necessary to allow additional resources to flow to the City in a timely fashion; and

WHEREAS, existing conditions related to COVID-19 warrant the proclamation of emergency, as defined by Atwater Municipal Code Chapter 2.44 et seq.; and

WHEREAS, California Government Code section 8630 and Atwater Municipal Code section 2.44.060 authorize the Director of Emergency Services for the City of Atwater to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, Government Code section 8558(c) defines a local emergency as "the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by conditions such as . . . epidemic . . . which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat . . ."; and

WHEREAS, Section 2.44.050 of the Atwater Municipal Code designates the City Manager as the Director of Emergency Services; and

NOW THEREFORE, IT IS HEREBY PROCLAIMED by the Director of Emergency Services of the City of Atwater that a local emergency exists.

IT IS FURTHER PROCLAIMED that during the existence of said local emergency, the powers, functions, and duties of the Director of Emergency Services shall be those prescribed by state law and allowed under the ordinances and resolutions of this City.

IT IS FURTHER PROCLAIMED that this local emergency regarding COVID-19 is declared in order to empower the City to:

- Respond effectively to COVID-19;
- Seek and utilize mutual aid;
- Ensure the City is able to obtain reimbursement for its efforts in dealing with this local emergency, and
- Ensure that City staff has all the necessary tools and powers at their disposal to slow the spread of COVID-19.

IT IS FURTHER PROCLAIMED that this Proclamation shall remain in effect for the next seven (7) days, and thereafter upon final ratification of the City Council.



**LORI WATERMAN,
City Manager and Director of Emergency Services**

Mar. 16, 2020
DATE