

RESOLUTION NO. 2020- 10

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
CONFIRMING AND RATIFYING THE
EXISTENCE OF A LOCAL EMERGENCY
WITHIN THE TERRITORIAL LIMITS OF THE
CITY OF MERCED PROCLAIMED BY THE
DIRECTOR OF EMERGENCY SERVICES
(CITY MANAGER) ON MARCH 13, 2020
PURSUANT TO MERCED MUNICIPAL CODE
SECTION 8.20.070A AND GOVERNMENT
CODE SECTION 8630**

WHEREAS, the California Emergency Services Act (Government Code section 8630, et. seq.) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and

WHEREAS, Section 8630 of the Government Code empowers the City Council, or an official designated by local ordinance, to proclaim the existence of a local emergency when the City is affected by or likely to be affected by a public calamity; and

WHEREAS, Section 8.20.070A of the Merced Municipal Code empowers the Director of Emergency Services (City Manager) to proclaim a local emergency if the City Council is not in session and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter; and

WHEREAS, a novel coronavirus (referred to as COVID-19), causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019; and

WHEREAS, there are currently more than 120,000 global cases of COVID-19 and over 4,000 case fatalities, with widespread community transmission; and

WHEREAS, federal, state and local officials expect the number of cases in California, the United States and worldwide to increases; and

WHEREAS, health experts anticipate a high percentage of persons affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly those who are elderly and/or have chronic health conditions; and

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

WHEREAS, on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency in response to COVID-19; and

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

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the global situation of increasing COVID-19 cases as a pandemic with federal, state and local implications; and

WHEREAS, on March 11, 2020, the President of the United States issued an executive order to restrict all air travel of foreign nationals from Europe for a 30-day duration; and

WHEREAS, as of March 12, 2020, there are 1,323 confirmed cases of COVID-19 and 38 confirmed fatalities in the United States; and

WHEREAS, as of March 12, 2020, California has 183 confirmed cases of COVID-19 and three fatalities, with a minimum of 11 cases associated with community transmission, which are cases with unknown travel or contact exposure; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency; and

WHEREAS, On March 13, 2020, the Merced County Interim Health Officer declared that the imminent introduction of COVID-19 to Merced County is a threat to public health within the meaning of Health & Safety Code § 101080 and declared a local health emergency in Merced County; and

WHEREAS, while there are no known cases of COVID-19 in the City of Merced surrounding contiguous counties are reporting cases of COVID-19; and

WHEREAS, if COVID-19 spreads in the City of Merced and surrounding communities at a rate comparable to the rate it has spread in other parts of the United States and other countries, the number of persons requiring medical care may exceed locally available health care and other resources; and

WHEREAS, it is imperative that local health providers and government officials are able to control outbreaks of COVID-19 to limit the spread of infection to our communities and within our health care system; and

WHEREAS, personal protective equipment (PPE), while not necessary for the general population, is one of the most effective ways to protect the health care workforce and others who must engage in direct contact with persons exhibiting symptoms of or those who have been exposed to COVID-19; and

WHEREAS, the City of Merced will require access to services, personnel, equipment, facilities and other resources from the federal government, state, local and other agencies, including resources that may not be currently available, to prepare for and respond to cases and control the spread of the virus within Merced's population and communities; and

WHEREAS, the health and welfare of the citizens of the City as well as that of City employees is of paramount importance to the Mayor, City Council and City Administration; and

WHEREAS, the proclamation of a local emergency by the Director of Emergency Services (City Manager) on March 13, 2020, enables the City to more effectively respond to an imminent outbreak, seek and utilize mutual aid, potentially obtain reimbursement, forego standard procurement practices, and ensure that the City's public health professionals and providers have all necessary personal protective equipment to provide quality care in keeping the City safe; and

WHEREAS, the City Council of the City of Merced, California was not in session on March 13, 2020, when the Director of Emergency Service proclaimed a local emergency. The aforesaid conditions warrant and necessitate ratification of the proclamation of the existence of a local emergency and immediate action continues to be necessary to mitigate potential public calamity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Merced hereby ratifies the Director of Emergency Services (City Manager) March 13, 2020 proclamation declaring the existence of a local emergency.

SECTION 2. During the existence of said local emergency; the powers, functions, and duties of the emergency organization of the City of Merced shall be those prescribed by state law, by ordinances, and resolutions of the City of Merced.

SECTION 3. The City Council fully supports and endorses the Director of Emergency Services' (City Manager) proclamation and order that all City departments and agencies take those actions, measures and steps deemed necessary to provide ongoing services to the City citizens, and to assure the safety and welfare of City employees, residents and property, including requesting mutual aid to the extent such aid is reasonably necessary.

SECTION 4. The City Council reaffirms the City Manager's request and also requests that a copy of this resolution be forwarded to the Director of the California Governor's Office of Emergency Services and that the Director be requested to find it acceptable in accordance with state law and that the Governor of California, pursuant to the Emergency Services Act, be requested to issue a State of Emergency for Merced and that he afford the City the benefit of recovering its costs.

SECTION 5. The City requests that the Governor of the State of California, in proclaiming a State of Emergency for the City of Merced, request a federal declaration to provide assistance including, but not limited to, California Disaster Assistance Act (CDAA), Federal Individual Assistance Act, and U.S. Small Business Administration Disaster Declaration, to assist with

losses and emergency repairs/costs required by the City. The City of Merced further requests that the Governor of California be requested to make available all relevant funds to the City and all eligible community members and businesses, including but not limited to, CDAA funds and State Private Nonprofit Organizations Assistance Program funds.

SECTION 6. The City of Merced requests that the Governor forwards a copy of this Resolution to the President of the United States to seek and make all relevant funds available to the City of Merced and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business Administration to help the City of Merced to keep the high level of response, recovery, and mitigation measures necessary to make our communities resilient from this disaster.

SECTION 7. All City officers and employees take all steps requested by the City Manager, Steven S. Carrigan, to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and,


SECTION 8. All City officers and employees take all steps requested to qualify the City for reimbursement from the State (CalOES) or Federal Emergency Management Agency (FEMA) and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

SECTION 9. The local emergency shall be reviewed and remain in effect until terminated in accordance with federal, state and/or local laws.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the 16th day of March 2020, by the following vote:

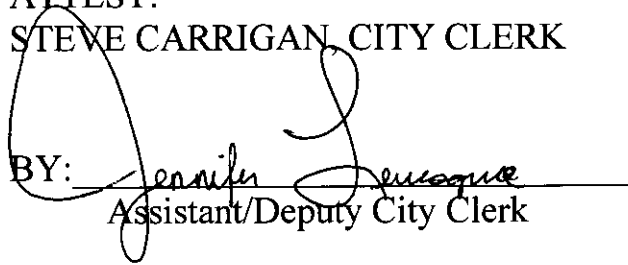
AYES: 7	Council Members: BLAKE, ECHEVARRIA, MARTINEZ, MCLEOD, MURPHY, SERRATTO, SHELTON
NOES: 0	Council Members: NONE
ABSENT: 0	Council Members: NONE
ABSTAIN: 0	Council Members: NONE

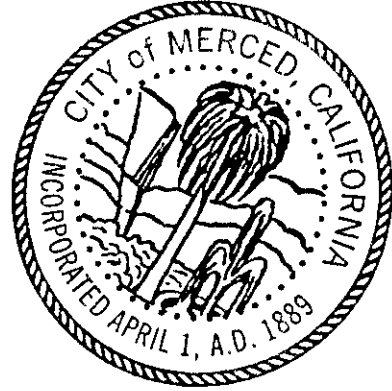
APPROVED:



Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK


BY: Jennifer L. Leung
Assistant/Deputy City Clerk



(SEAL)

APPROVED AS TO FORM:

Priscilla C. Nink 3-16-2020
City Attorney Date

**PROCLAMATION OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, the California Emergency Services Act (Government Code section 8630, et. seq.) establishes procedures for proclaiming emergencies and for responding promptly to the needs that arise during emergencies; and

WHEREAS, Section 8630 of the Government Code empowers the City Council, or an official designated by local ordinance, to proclaim the existence of a local emergency when the City is affected by or likely to be affected by a public calamity; and

WHEREAS, Section 8.20.070A of the Merced Municipal Code empowers the Director of Emergency Services (City Manager) to proclaim a local emergency if the City Council is not in session and requires that the City Council shall take action to ratify the proclamation within seven (7) days thereafter; and

WHEREAS, a novel coronavirus (referred to as COVID-19), causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019; and

WHEREAS, there are currently more than 120,000 global cases of COVID-19 and over 4,000 case fatalities, with widespread community transmission; and

WHEREAS, federal, state and local officials expect the number of cases in California, the United States and worldwide to increase; and

WHEREAS, health experts anticipate a high percentage of persons affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly those who are elderly and/or have chronic health conditions; and

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

WHEREAS, on January 24, 2020, the California Department of Public Health activated its Medical and Health Coordination Center and on March 2, 2020, the Office of Emergency Services activated the State Operations Center to support and guide state and local actions to preserve public health; and

WHEREAS, on January 31, 2020, the United States Health and Human Services Secretary declared a public health emergency in response to COVID-19; and

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

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared the global situation of increasing COVID-19 cases as a pandemic with federal, state and local implications; and

WHEREAS, on March 11, 2020, the President of the United States issued an executive order to restrict all air travel of foreign nationals from Europe for a 30-day duration; and

WHEREAS, as of March 12, 2020, there are 1,323 confirmed cases of COVID-19 and 38 confirmed fatalities in the United States; and

WHEREAS, as of March 12, 2020, California has 183 confirmed cases of COVID-19 and three fatalities, with a minimum of 11 cases associated with community transmission, which are cases with unknown travel or contact exposure; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency; and

WHEREAS, On March 13, 2020, the Merced County Interim Health Officer declared that the imminent introduction of COVID-19 to Merced County is a threat to public health within the meaning of Health & Safety Code § 101080 and declared a local health emergency in Merced County; and

WHEREAS, while there are no known cases of COVID-19 in the City of Merced as of the signing of this proclamation, surrounding contiguous counties are reporting cases of COVID-19; and

WHEREAS, if COVID-19 spreads in the City of Merced and surrounding communities at a rate comparable to the rate it has spread in other parts of the United States and other countries, the number of persons requiring medical care may exceed locally available health care and other resources; and

WHEREAS, it is imperative that local health providers and government officials are able to control outbreaks of COVID-19 to limit the spread of infection to our communities and within our health care system; and

WHEREAS, personal protective equipment (PPE), while not necessary for the general population, is one of the most effective ways to protect the health care workforce and others who must engage in direct contact with persons exhibiting symptoms of or those who have been exposed to COVID-19; and

WHEREAS, the City of Merced will require access to services, personnel, equipment, facilities and other resources from the federal government, state, local and other agencies, including resources that may not be currently available, to prepare for and respond to cases and control the spread of the virus within Merced's population and communities; and

WHEREAS, the health and welfare of the citizens of the City as well as that of City employees is of paramount importance to the Mayor, City Council and City Administration; and

WHEREAS, this proclamation enables the City to more effectively respond to an imminent outbreak, seek and utilize mutual aid, potentially obtain reimbursement, forego standard procurement practices, and ensure that the City's public health professionals and providers have all necessary personal protective equipment to provide quality care in keeping the City safe; and

WHEREAS, the City Council of the City of Merced, California is not in session; and,

WHEREAS, the aforesaid conditions warrant and necessitate the proclamation of the existence of a local emergency and immediate action is necessary to mitigate potential public calamity.

NOW, THEREFORE, IT IS PROCLAIMED AS FOLLOWS:

1. A local emergency, as defined in Government Section 8558 and Merced Municipal Code Chapter 8.20, now exists throughout the City of Merced.

2. During the existence of said local emergency the powers, functions, and duties of the emergency organization of the City of Merced shall be those prescribed by state law, by ordinances, and resolutions of the City of Merced; and that this emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council of Merced, California, County of Merced.

3. All City departments and agencies take those actions, measures and steps deemed necessary to provide ongoing services to the City's citizens, and to assure the safety and welfare of City employees, residents and property, including requesting mutual aid to the extent such aid is reasonably necessary; and

4. A copy of this proclamation be forwarded to the Director of the California Governor's Office of Emergency Services and that the Director be requested to find it acceptable in accordance with State law and that the Governor of California, pursuant to the Emergency Services Act, be requested to issue a State of Emergency for Merced and that he afford the City the benefit of recovering its costs.

5. The City requests that the Governor of the State of California in proclaiming a State of Emergency for the City of Merced, request a federal declaration to provide assistance including, but not limited to, California Disaster Assistance Act (CDAA), Federal Individual Assistance Act, and U.S. Small Business Administration Disaster Declaration, to assist with losses and emergency repairs required by the City. The Governor of California be requested to make available all relevant funds to the City and all eligible community members and businesses, including but not limited to, CDAA funds and State Private Nonprofit Organizations Assistance Program funds.

6. The Governor be requested to forward a copy of this proclamation to the President of the United States to seek and make all relevant funds available to the City of Merced and all eligible community members and businesses, including, but not limited to, aid provided by the Small Business

Administration to help the City of Merced to keep the high level of response, recovery, and mitigation measures necessary to make our communities resilient from this disaster.

7. Steven S. Carrigan, or his designee, is hereby designated as the authorized representative for public and individual assistance of the City of Merced for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

IT IS FURTHER ORDERED THAT:

1. All City officers and employees take all steps requested by the City Manager, Steven S. Carrigan, to prevent the spread of COVID-19 and to prevent or alleviate illness or death due to the virus; and,

2. All City officers and employees take all steps requested to qualify the City for reimbursement from the State (CalOES) or Federal Emergency Management Agency (FEMA) and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

The local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council.

3/13/2020 5:20 pm
Date and Time



Director of Emergency Services

APPROVED AS TO FORM:

Prudica A. Nohm 3-13-2020
City Attorney Date