RESOLUTION NO. 20-053

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO COVID-19 (AKA CORONAVIRUS)

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, Hubei Province, China; and

WHEREAS, COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, COVID-19 has since spread outside of China, impacting more than 100 countries, now including the United States; and

WHEREAS, COVID-19 at present has sickened more than 180,000 people around the world, over 4,000 in the United States and nearly 500 in California, and COVID-19 has killed over 7,000 people worldwide, and there has been a significant escalation of United States domestic cases of and deaths from COVID-19; and

WHEREAS, the federal 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, the California Department of Public Health ("CDPH") 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, that same day the County of Los Angeles followed suit and declared the existence of a state of emergency for Los Angeles County; and

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

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

WHEREAS, on March 13, 2020 and March 14, 2020, the Los Angeles Unified School District and the Compton Unified School District, respectively, announced the closure of all schools within Carson; and

WHEREAS, the health, safety, and welfare of City of Carson ("City") residents, businesses, visitors, and staff are of utmost importance to the City and additional future measures may be needed to protect the community; 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, preparing for, responding to, mitigating, and recovering from the spread of COVID-19 requires the City to divert resources from normal day-to-day operations, and has and will continue to impose extraordinary requirements on and expenses to the City; and

WHEREAS, strict compliance with the City Charter, certain municipal code provisions, and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of COVID-19, which issue cannot be timely addressed absent a declaration of local emergency; 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, the City may require additional assistance in the future, and proclamation of local emergency allows additional resources to flow to the City in a timely manner; and

WHEREAS, Article III, Chapter 7 of the Carson Municipal Code ("CMC") details the powers and responsibilities of the City during emergency circumstances, which is defined in Section 3701 as "the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat;" and

WHEREAS, CMC Section 3705 authorizes the City Council of the City to proclaim the existence or threatened existence of a local emergency if the City Council is in session; and

WHEREAS, CMC Section 3702 creates the Carson Disaster Council ("Disaster Council") to act during the state of local emergency, which Disaster Council shall consist of the following: (i) Mayor, who shall be Chairman; (ii) the City Manager as Director of Emergency Preparedness, who shall be Vice Chairman; (iii) an Assistant Director of Emergency Preparedness; (iv) such chiefs of emergency preparedness as are provided for in the current plan of the City (if any exist); and (v) such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Director; and

WHEREAS, CMC Section 3704 appoints the City Manager as the Director of Emergency Preparedness ("Director"), and the Director shall appoint an Assistant Director of Emergency Preparedness (Assistant Director"); and

WHEREAS, the City Council takes note of the CDC's Interim Guidance for Large Events and Mass Gatherings (March 15, 2020); the CDPH's Mass Gathering Guidance (March 11, 2020) Governor Newsom's Guidance Regarding Bars and Restaurants (March 15, 2020); and most recently, the County of Los Angeles Department of Public Health Order of the Health Officer for Control of COVID-19 (March 16, 2020); and

WHEREAS, after consideration of all facts reasonably available presently for review and all items, the City Council now desires to proclaim the existence of a state of local emergency and to make additional resources available to address the effects of COVID-19.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:

SECTION 1. **Recitals.** The City Council hereby finds and believes that the above recitals are true and correct.

SECTION 2. **Proclamation of Emergency.** The City Council finds the actual existence of conditions of extreme peril to the safety of persons and property has arisen within the City of Carson, caused by the effects of COVID-19, and thereby proclaims that a local emergency now exists throughout the City.

SECTION 3. **Authority Granted.** It is further proclaimed and ordered that during the existence of said local emergency, the powers, authority, functions and duties of the Disaster Council, Director, and the City's emergency services organizations shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency. The City Council desires to make clear that such powers, functions, and duties of the Disaster Council include, but are not limited to, the following:

(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.

(b) 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.

(c) The 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.

Furthermore, during the emergency, the Disaster Council shall be authorized to promulgate additional regulations, policies, standards, and plans as deemed necessary, to ensure the health, safety, and welfare of the City's residents, businesses, visitors, employees, and other community members.

SECTION 4. **Closure of Businesses.** Pursuant to the County of Los Angeles Department of Public Health Order of the Health Officer for Control of COVID-19 (March 16, 2020), the following types of businesses are hereby closed:

- Bars and nightclubs that do not serve food;
- Movie theaters, live performance venues, bowling alleys, and arcades,
- Gyms and fitness centers, and
- Wineries, breweries, and tap rooms that provide tastings.

This will remain effective until March 31, 2020, or as extended by the City, County, State, or federal government.

SECTION 5. Restaurants – Pick-up or Delivery Service Only. Additionally pursuant to the County of Los Angeles Department of Public Health Order of the Health Officer for Control of COVID-19 (March 16, 2020), all permanent food facilities, as defined by Health and Safety Code Section 113849, may only prepare and offer food that is provided to customers via pick-up for takeout dining, delivery service, or drive-thru. Bars and nightclubs that offer food to consumers may remain open only for purposes of preparing and offering food to consumers via pick-up, delivery service, or drive-thru. Permanent food facilities must require patrons or groups of patrons who are ordering food and beverages to be and remain at least six (6) feet apart from each other while inside the facility.

This does not apply to the following:

- Cafeterias, commissaries, and other facilities located within hospitals, nursing homes, governmental buildings that provide essential services to the public, or within other licensed health care facilities;
- Grocery stores and pharmacies; and
- Charitable or governmental organizations providing meals to the indigent population.

This will remain effective until March 31, 2020, or as extended by the City, County, State, or federal government.

SECTION 6. Public Gatherings. Pursuant to the County of Los Angeles Department of Public Health Order of the Health Officer for Control of COVID-19 (March 16, 2020), all public and private events and mass gatherings of 50 people or more are prohibited anywhere within the City.

For public and private events and gatherings of 10 to 49 people, held in a confined or enclosed space, and not prohibited by this resolution or other local, State, or national order, the organizer of the event and owner, manager, or operator of the venue shall:

- Enforce social distancing measures by requiring attendees who remain at the event for over 10 minutes to be separated by at least six feet from other attendees during the entirety of the event or gathering. Groups (family members or household contacts) attending the event or gathering may sit or remain together, but separate groups must be separated by at least six feet from each other.
- Provide access to hand washing facilities with soap and water or with hand sanitizer that contains at least 60% alcohol.
- Post a sign in a conspicuous place at all public entries to the venue that instructs members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough.
- Adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site (www.publichealth.lacounty.gov/media/Coronavirus/)

This will remain effective until March 31, 2020, or as extended by the City, County, State, or federal government.

SECTION 7. **Closure of City Facilities.** Effective immediately, the City Hall complex shall be closed to members of the public at least through April 21, 2020 but until further notice. In addition, all City facilities, including the Community Center, and parks, shall be closed to members of the public at least through April 21, 2020 or until further notice. All City Board, Commission and Advisory meetings are canceled with the exception of the City Council, Planning Commission, and Carson Reclamation Authority meetings. Those meetings will be conducted via telephonic or videoconferencing. Only certain City employees with valid identification shall be permitted entry into any city public facility.

During this emergency and closure of City facilities, privately-sponsored events scheduled at any City facilities are hereby canceled. All City departments are directed to conduct a thorough investigation of any affected contracts to determine outstanding contractual obligations, rights, and responsibilities of each party. Staff is to diligently organize refunding of deposits, etc.

City officials shall encourage employees and members of the public to avoid public spaces or gathering places, wherever possible, and to engage in social distancing of at least six feet between persons.

SECTION 8. **City Council, Planning Commission, and Carson Reclamation Authority Meetings.** Until further notice, the City will transition City Council, Planning Commission, and Carson Reclamation Authority meetings from in-person public attendance to accessible telephonic or videoconferencing meetings with enabled comments, questions, and engagement opportunities by the community through interactive technology. The City Council hereby directs its staff to develop technology solutions to support community interface and engagement for telephonic or video conferencing. Notices will be posted and mailed immediately thereafter.

SECTION 9. **City Employees Reporting to Work.** Because Los Angeles County has confirmed at least 1 case of COVID-19 within the City, as of Monday March 16, 2020, the City is requiring all City employees to self-monitor for symptoms associated with COVID-19, including temperature-taking every morning prior to reporting to work. Any employees exhibiting symptoms of COVID-19 should contact a health care provider and self-quarantine. The City Council hereby directs staff to formulate additional employee-related health and safety measures to protect all City employees, City facilities, and the community.

Effective immediately, unless directed otherwise, all non-essential employees shall not report to work and shall not engage in any work for the City, whether in person or remotely, until further notified by the City. The Disaster Council, as established by CMC section 3702 and 3704, will formulate an emergency workforce strategy in accordance with the City's Emergency Plan to determine essential and non-essential employees, their roles and functions, and other courses of action to implement during the local emergency.

During the closure, all ***non-essential full-time employees*** and ***non-essential part-time employees*** are permitted and encouraged to apply for State unemployment benefits at the California Employment and Development Department's website at https://www.edd.ca.gov/Unemployment/Filing_a_Claim.htm or by phone at 1-800-300-5616 (English) / 1-800-326-8937 (Spanish). Unemployment benefits are available for employees whose hours have been reduced or business operations have been shut down due to COVID-19 and provides partial wage replacement benefits. Employee are not required to actively seek alternative work during this time of closure but must remain able and available and ready to resume work, and meet other eligibility criteria,

as determined by the State. To the extent permitted by law, the City shall permit all non-essential employees to utilize portions of their accrued leave balances (including going into the negative) during the temporary closure, but in no event shall any employee be entitled to receive more than 100% of their compensation. In other words, it is the intent of the City Council that ***all*** employees (full-time and part-time, represented or otherwise) receive their full compensation and benefits during the declared emergency period, including PERS benefits. The City, either through the Disaster Council or the City Council will visit the situation on weekly basis and will make adjustments as necessary to accomplish this intent.

All ***essential employees*** shall report to work, either in-person or via telecommuting, as determined on a case-by-case basis. During the closure, all essential employees are expected to work their regular hours, or as determined on a case-by-case basis.

SECTION 10. First Responders; Other Authorized Personnel. This resolution shall not restrict first responders or other local, state, or federal officers or other personnel from accessing or carrying out their lawful duties at the locations and venues named in this Resolution.

SECTION 11. Duration. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

SECTION 12. Continuing Need. 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. In the event 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 13. Severability. If any subsection, sentence, clause, phrase, or word of this Resolution or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Resolution.

SECTION 14. Effectiveness. This Resolution shall take effect immediately. A copy of the Proclamation and this Resolution shall be forwarded to the Los Angeles County Operational Area for transmission to California Emergency Management Agency. The City Clerk shall certify to the passage and adoption of this resolution..

[Signatures on Following Page]

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the 17th day of March, 2020.

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

CITY OF CARSON:

Albert Robles, Mayor

ATTEST:

Donesia Gause-Aldana, MMC, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia Gause, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing resolution, being Resolution No. 20-053, adopted by the City of Carson City Council at its meeting held on March 17, 2020, by the following vote:

AYES: COUNCIL MEMBERS: Robles, Dear, Davis-Holmes, Hilton, Hicks

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

City Clerk Donesia Gause-Aldana, MMC, City Clerk