

PROCLAMATION NO. 2020-01

A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF FULLERTON, CALIFORNIA, ACTING AS THE DIRECTOR OF DISASTER SERVICES, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Fullerton Municipal Code Chapter 2.08 empowers the City Manager, as the Director of Disaster Services, to proclaim the existence or threatened 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 caused by defined conditions to include epidemic; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019 and has since been confirmed in countries throughout the world. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern" and on March 11, 2020, the WHO elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local

emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, as of March 13, 2020, there are a reported 144,014 confirmed cases of COVID-19 in 137 countries, to include 63,199 cases outside of China, of which 5,395 have resulted in death; and

WHEREAS, as of March 13, 2020, the Centers for Disease Control and Prevention (CDC) report that there are 1,629 confirmed cases of COVID-19 in the United States, including 288 in California, resulting in 41 total deaths, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Health on March 11, 2020 issued a statement entitled "California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19," determining that gatherings should be postponed or canceled across the state. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines. Furthermore, essential gatherings should only be conducted if the essential activity could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS; on March 13, 2020, the President of the United States issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency, beginning March 1, 2020; and

WHEREAS, the City of Fullerton has the power to impose measures to promote social distancing including but not limited to limitations on public events, and on March 13, 2020 issued directions to cancel and/or postpone various City programs and services and to close City facilities; and

WHEREAS, Fullerton is the sixth largest city within Orange County, which is the sixth largest county in the United States, with one of the highest population densities, and is home to the largest California State University in the State as well as several other institutions of higher education which increases our daily population by over 50,000 persons; and

WHEREAS, Fullerton is home to St. Jude Medical Center, a 320-bed, acute care hospital with an emergency services department which, along with all hospitals and medical facilities in the State will be on the frontline of assessing and treating cases of COVID-19; and

WHEREAS, it is known that there are cases of COVID-19 currently present in the City of Fullerton and within the County of Orange; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS, if COVID-19 spreads in California at a rate comparable to the rate of spread in other countries, the number of persons requiring medical care may exceed locally available resources, and controlling outbreaks minimizes the risk to the public, maintains the health and safety of the community, and limits the spread of infection in the community and within the healthcare delivery system; 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; and

WHEREAS, the City Manager, as the City's Director of Disaster Services, has the power to declare a local emergency as authorized by Government Code section 8630

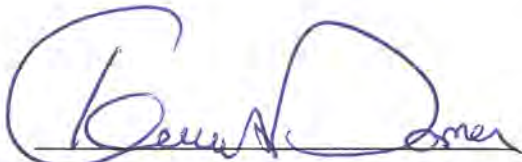
and Fullerton Municipal Code Chapter 2.08.060 (A)(1.).

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Fullerton as follows:

- A. As contemplated in the Emergency Services Act contained in Government Code Section 8550 et seq., including Section 8558(c), and Chapter 2.08 of the Fullerton Municipal Code, a local emergency exists based on the existence of conditions of disaster or of extreme peril to the safety of persons and property caused by an epidemic, as detailed in the recitals set forth above.
- B. The area of the City which is endangered/imperiled is the entire City.
- C. During the existence of this local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law and by ordinances, resolutions, and orders of this City, including but not limited to the City of Fullerton's Emergency Operation Plan.
- D. The City Council shall review and ratify this proclamation within 7 days as required by state law, and if ratified, shall continue to exist until the City Council proclaims the termination of this local emergency. The City Council shall review the need for continuing the local emergency as required by state law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.
- E. That the City of Fullerton orders that, within the boundaries of the City of Fullerton, the State Department of Public Health's recommendations shall be deemed mandatory.
- F. That a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State Law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Fullerton; that the Governor waive

regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

PROCLAIMED this 16th day of March, 2020.

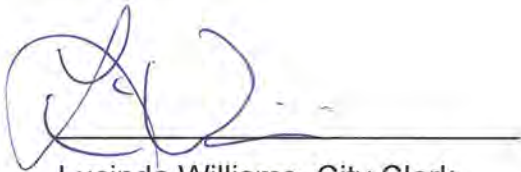


Kenneth A. Domer, City Manager



Richard D. Jones, City Attorney

ATTEST:



Lucinda Williams, City Clerk