TO: Andrew P. Powers, City Manager
FROM: Tracy M. Noonan, City Attorney
DATE: March 17, 2020
SUBJECT: Ratification of Proclamation of Existence of Local Emergency and Rendering Certain Emergency Orders

RECOMMENDATION:

Adopt resolution ratifying the proclamation of the existence of a local emergency and rendering certain emergency orders.

FINANCIAL IMPACT:

No Additional Funding Requested. Impacts are staff time involved with the preparation of this report are included in the Adopted FY 2019-20 General Fund Budget.

BACKGROUND:

On March 12, 2020, at 5:50 p.m., a state of local emergency was declared by the City Manager as the Director of Emergency Services in response to the COVID-19 pandemic.

DISCUSSION/ANALYSIS:

Under the State Emergency Services Act and the City’s local implementing ordinance, declaring a state of local emergency when a crisis situation exists provides emergency powers and authorities to the City and provides some additional liability protections for the City. In many cases, this local declaration is also the first step in seeking State and Federal declarations that provide the reimbursement of other financial assistance.

Government Code Section 8630 requires that a declaration of a state of local emergency that is made by the Director of Emergency Services rather than the City Council be confirmed by a resolution of the City Council within seven days of the declaration. The declaration was executed by the City Manager as the Director of Emergency Services on March 12, 2020. Unless the City Council adopts a resolution confirming the state of local emergency by March 19, 2020, the state of local emergency will terminate. The City Council shall review the need for continuing the local emergency at least once every 60 days until terminated. The
City shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

Conditions still exist within the City which constitute an emergency and the need exists to continue with the authorities granted. It is requested that the City Council confirm the existence of the state of local emergency.

**COUNCIL GOAL COMPLIANCE:**

Meets City Council Goals A and C:

A. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

C. Maintain strong commitment to public safety (including Police, Fire, Emergency Medical Services, and Emergency Management) to ensure City remains one of the safest Cities in the United States with a population over 100,000.

Attachment:
   
   Attachment #1 – Resolution
RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS RATIFYING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY AND RENDERING CERTAIN EMERGENCY ORDERS

WHEREAS, California Government Code section 8630 empowers the City Council ("COUNCIL") to confirm the existence or threatened existence of a Local Emergency when City is affected or likely to be affected by a public calamity, while Government Code section 8634 empowers the COUNCIL to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, pursuant to Section 4-4.05 of the Thousand Oaks Municipal Code, the Director of Emergency Services has proclaimed an emergency and is requesting the COUNCIL to ratify the existence of a Local Emergency; and

WHEREAS, the COUNCIL does hereby find that the conditions of extreme peril which severely impairs the safety of persons and/or property and likelihood of conditions being beyond the control and capacity of City services, personnel, equipment and facilities, have arisen within the CITY caused by the COVID-19 pandemic (Proclamation 2020), said cause commencing on or about 6:00 p.m. on March 12, 2020; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the ratification of the proclamation of the existence of a Local Emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, ORDERED AND RESOLVED by the Thousand Oaks City Council that:

1. The Proclamation of a Local Emergency made on March 12, 2020 by the Director of Emergency Services is hereby ratified and a Local Emergency now exists throughout the City of Thousand Oaks, California;
2. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services (being Andrew P. Powers, City Manager), the Disaster Council and the emergency organization of CITY shall be those prescribed by state law, by the existing ordinances and resolutions of the CITY, as well as this resolution and any subsequent emergency orders of the COUNCIL;

3. A request for Mutual Aid for emergency services, sheltering, evacuation, and restoration is authorized and shall be made to City, County, State and Federal agencies;

4. During the existence of said Local Emergency, City shall follow and impose all directives, mandates, Executive Orders and any other emergency related restrictions issued by the State of California and/or the County of Ventura, including any and all social distancing recommendations.

5. Until further notice, all non-essential City facilities with a capacity of 250 people or more are closed to the public, and all non-essential City sponsored events are cancelled or postponed to a future date.

6. The excessive price gouging and increase prohibitions of section 5-19.01 et seq. of the Thousand Oaks Municipal Code are activated and shall be vigorously enforced;

7. The normal CITY goods and service procurement requests and purchase practices are stayed during this period of emergency;

8. The COUNCIL hereby suspends the deadlines under the California Environmental Quality Act and the California Permit Streamlining Act for the duration of the emergency unless rescinded by the City Council; and

9. The content of this resolution shall be given widespread publicity and notice as is reasonable and feasible under these circumstances; and
10. This Local Emergency shall continue until it is terminated by proclamation of the COUNCIL. Pursuant to Section 8630 of the Government Code, the COUNCIL shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the COUNCIL, and at each regular COUNCIL meeting thereafter.

PASSED AND ADOPTED this 17th Day of March, 2020.

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Al Adam, Mayor
City of Thousand Oaks, California

ATTEST:

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Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

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Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

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Andrew P. Powers, City Manager