

EMERGENCY RESOLUTION NO. EM 2020 – 001

AN EMERGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA QUINTA, CALIFORNIA, PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS DISEASE 2019 (COVID-19)

WHEREAS, Government Code Section 8630 and La Quinta Municipal Code Section 2.20.080 authorize the La Quinta City Council to proclaim the existence of a local emergency; and

WHEREAS, La Quinta Municipal Code Section 2.20.020 defines the terms emergency or disaster 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, 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, regular personnel, equipment and facilities of the city and which may require the combined forces of other political jurisdictions to combat”; and

WHEREAS, La Quinta Municipal Code Section 2.20.010 provides in pertinent part that the powers and immunities set forth in Chapter 2.20 are intended “to provide for the preparation and carrying out of plans for the protection of persons and property within the city in the event of the emergency conditions referred to in this chapter; the direction of the disaster organization; and the coordination of the disaster functions of the city with the county and with all other public agencies, corporations, organizations, and affected private persons”; and

WHEREAS, the World Health Organization has declared the novel Coronavirus Disease 2019, known as COVID-19, is a pandemic; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has confirmed multiple cases of individuals who have severe respiratory illness caused by COVID-19, and has issued guidelines for Americans to prevent the spread of the virus; and

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

WHEREAS, the Governor of California has waived the 60-day time period in Government Code Section 8630, subdivision (c), within which a local governing authority must renew a local emergency, for the duration of the statewide emergency, and further, has ordered that any such local emergency will remain in effect until each local governing authority terminates its respective local emergency; and

WHEREAS, on March 8, 2020, the Riverside County Public Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in the County of Riverside; and

WHEREAS, on March 10, 2020, the Riverside County Board of Supervisors confirmed a State of a Local Health Emergency for the County of Riverside for the reasons set forth in the Public Health Officer's Declaration; and

WHEREAS, on March 12, 2020 the Governor of California issued Executive Order N-25-20 that, among other orders with the force and effect of law under Government Code Sections 8567, subdivision (a) and 8571, suspended and waived specified meeting and notice requirements ordinarily required of local agencies under the Ralph M. Brown Act (Government Code Section 54950 *et seq.*); and

WHEREAS, on March 12, 2020 the Riverside County Public Health Officer issued an order, enforceable pursuant to Health and Safety Code Sections 101029 and 120295 and Government Code Sections 26602 and 41601, to cancel and prohibit all events with expected attendance above 250 people through April 30, 2020, regardless of venue; and

WHEREAS, on March 15, 2020, the CDC urged the halt to gatherings of 50 or more people for the next eight (8) weeks; and

WHEREAS, on March 15, 2020, the Governor of California announced further additional guidelines to limit the transmission of the virus, following the first COVID-19 death in California, directing:

- (a) Californians over 65 years old and those with underlying health conditions to self-isolate in their homes;
- (b) Bars, nightclubs, pubs, and wineries to close their doors;
- (c) Restaurants and movie theaters to cut their capacity in half and ensure customers practice "social distancing"; and

WHEREAS, on March 16, 2020, the California Department of Public Health issued additional COVID-19 Guidelines to protect persons over 65 years of age, persons with serious chronic medical conditions (such as heart or lung diseases or diabetes), and persons with compromised immune systems, including in part the following guidance for persons over 65 years of age:

- (a) Remain at home until further guidance is issued;
- (b) Continue with outdoor activities;
- (c) Practice social distancing, both in and outside the home;
- (d) Stay in touch with others by phone, email, or other on-line tools (like Skype and Facebook);
- (e) Identify Family, Friends, Neighbors, and Caregivers who can provide Support;
- (f) Have supplies on hand;
- (g) Have a plan for if you get sick;
- (h) Practice Hand washing;
- (i) Use “respiratory etiquette” (such as covering a cough with a tissue or sleeve);
- (j) Clean and disinfect your home to remove germs; and

WHEREAS, on March 16, 2020, the California Department of Public Health issued additional COVID-19 Guidelines relating to and affecting Retail Food, Beverage, and Other Related Service Venues, including but not limited to: (a) The temporary closure of bars, wineries, breweries and pubs, except for venues that are currently authorized to provide of sale beer and wine to be consumed off premises are allowed; (b) Restaurants should be closed for in-restaurant seated dining, and should be open only to drive-through or other pick-up/delivery options; (c) For food trucks, increase frequency of cleaning of menus, cash registers, receipt trays, condiment holders, writing instruments and other non-food contact surfaces frequently touched by patrons and employees; and (d) grocery stores and charitable food distribution sites should remain fully open and operational, subject to social distancing of six feet per person for non-family members; and

WHEREAS, on March 16, 2020, the Riverside County Public Health Officer issued an order, enforceable pursuant to Health and Safety Code Sections 101029 and 120295 and Government Code Sections 26602 and 41601, to cancel and prohibit all gatherings having an expected presence of ten (10) or more persons regardless of venue, and gatherings below this size are prohibited unless a minimum social distancing of six (6) feet

between attendees can be maintained, thereby superseding the prior County Public Health Officer order dated March 12, 2020; and

WHEREAS, the Riverside County Public Health Officer's order dated March 16, 2020, exempted certain places and circumstances from its limitations on gatherings, including an exemption for critical city operations and necessary shopping at fuel stations, stores or malls; and

WHEREAS, according to the Riverside County Public Health Officer, as of March 16, 2020, COVID-19 has infected at least 128,000 individuals worldwide in 116 countries and is implicated in over 4,700 worldwide deaths, including fifteen (15) cases in the County of Riverside; and

WHEREAS, based on the foregoing evidence and the federal, state, and regional actions set forth in these Recitals, and other reports generally available to the public, the City Council of the City of La Quinta hereby finds that there exists within the City of La Quinta conditions of extreme peril to the safety of persons as a result of the increased transmission of COVID-19 throughout the United States, State of California, and County of Riverside, which are beyond the control of the services, regular personnel, equipment and facilities of the city and which may require the assistance and combined operations of other federal, state, and regional governments; and

WHEREAS, based on the foregoing evidence and the federal, state, and regional actions set forth in these Recitals, and other reports generally available to the public, the threatened existence of COVID-19 in the County of Riverside warrants and necessitates the proclamation of the existence of a Local Emergency in accordance with Government Code Section 8630 and La Quinta Municipal Code Chapter 2.20.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Quinta, California, as follows:

SECTION 1. Based on the foregoing Recitals and other reports generally available to the public, presented before the City Council, it is hereby **PROCLAIMED** that a Local Emergency as defined La Quinta Municipal Code Section 2.20.020 now exists in and throughout the City of La Quinta, where the Local Emergency is the threatened existence and spread of COVID-19.

SECTION 2. The City Council hereby invokes and authorizes any and all powers, duties, preparation and response efforts, and immunities available under La Quinta Municipal Code Chapter 2.20, including but not limited to

those provisions specified in this Resolution. Furthermore, the City Council hereby authorizes the use for, by, and on behalf of the City of La Quinta, any applicable federal, state, and local laws, whether authorized by statute, regulation, or otherwise, that have been enacted or promulgated to limit and eventually end the existence of the threat of public health and safety caused by COVID-19.

SECTION 3. For any matters related to the Local Emergency, the emergency corps commander shall be the city official designated in La Quinta Municipal Code Section 2.20.090, and the emergency corps commander shall have the ability to exercise any and all authority and powers set forth in La Quinta Municipal Code Section 2.20.100.

SECTION 4. In addition to the enumerated and incidental powers authorized by La Quinta Municipal Code Section 2.20.100, the City Council expressly grants the authority and power to the emergency corps commander to monitor, report, and enforce any executive order issued by the Governor of California or any order from the Riverside County Public Health Officer that are promulgated as a response to or in connection with the existence or spread of COVID-19 and are purported either to have the force and effect of law or to have the ability for local law enforcement to enforce the order's provisions.

SECTION 5. In addition to the enumerated and incidental powers authorize by La Quinta Municipal Code Section 2.20.100, the City Council expressly grants the authority and power to the emergency corps commander as may otherwise be prescribed by federal law, state law, or by ordinances or resolutions adopted by the City Council, in order to mitigate the effects of said Local Emergency.

SECTION 6. Pursuant to La Quinta Municipal Code Section 2.20.110, Subsection (A), for any meeting of the City Council to consider any action relating to the Local Emergency, the City Council shall be considered to be in continuous session, provided, however, that the city will make every effort to give notice and post an agenda prior to any meeting that would consider any action relating to the Local Emergency and will utilize, as necessary or appropriate, teleconferencing as authorized by Executive Order N-25-20.

SECTION 7. Pursuant to La Quinta Municipal Code Section 2.20.110, Subsection (B), the City Council may promulgate orders and regulations necessary to provide for the protection of life and property in response to the Local Emergency. Any such promulgated orders or regulations shall be given widespread publicity and notice.

SECTION 8. In addition to the authority and power provided to the City Manager under the La Quinta Charter and Municipal Code, and in addition to the powers conferred to the City Manager as the emergency corps commander under La Quinta Municipal Code Section 2.20.090, the City Manager shall have the authority to exercise any of the following powers that are related to addressing the Local Emergency:

- (A) Promulgate and issue executive orders necessary to immediately provide for the protection of life and property in response to the Local Emergency, including but not limited to any executive orders based upon guidelines issued by any federal, state, or county agency, which executive orders shall be given widespread publicity and notice; and
- (B) Serve as the authorized representative of the City of La Quinta for the purpose of requesting, receiving, processing, and coordinating all inquiries and requirements necessary to obtain available county, state, and federal assistance, including but not limited to any coordination and financial assistance available under Health and Safety Code Section 101085, subdivision (b); and
- (C) Negotiate and execute any agreements or other documents necessary or proper for the receipt of any county, state, federal, or private financial assistance, including but not limited to no or low-interest loans or grants, without the requirement to obtain City Council approval prior to executing those agreements or documents if exigent circumstances require as much, and subject to notification to the City Council no later than its next meeting; and
- (D) Request, or designate specified city officials who may request, assistance from the Riverside County Sheriff and the Chief of Police, pursuant to Government Code Sections 26602 and 41601, and Health and Safety Code Section 101029, to ensure compliance with any ordinance, resolution, or orders issued by the city in response to the Local Emergency.

SECTION 9. This Resolution, and the powers, duties, response efforts, and immunities available by its adoption, shall remain in place for as long as the Local Emergency exists and until determined to be terminated by the City Council, unless otherwise this Resolution is terminated by operation of state law that is no longer waived or suspended by the Governor of California.

SECTION 10. This Resolution is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of La Quinta, or any of its boards, commissions, committees, departments, officers, officials, employees or any other person.

SECTION 11. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

SECTION 12. This Resolution shall go into effect immediately upon its adoption. The City Clerk shall certify to the adoption of this Resolution and shall deliver a copy of this Resolution to the Director of the California Governor’s Office of Emergency Services and the Riverside County Health Office, and any other federal, state, or local agency as may be directed by the City Manager.

PASSED, APPROVED, and ADOPTED at a regular meeting of the La Quinta City Council held on this 17th day of March, 2020 by the following vote:

AYES: Councilmembers Fitzpatrick, Peña, Radi, Sanchez, Mayor Evans

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE


LINDA EVANS, Mayor
City of La Quinta, California

ATTEST:



MONIKA RADEVA, City Clerk
City of La Quinta, California

(CITY SEAL)

APPROVED AS TO FORM:



WILLIAM H. IHRKE, City Attorney
City of La Quinta, California