



CITY OF LAGUNA HILLS CITY COUNCIL/PLANNING AGENCY

SPECIAL MEETING AGENDA Tuesday, March 24, 2020 – 5:00 PM

Janine Heft, Mayor

Erica Pezold, Mayor Pro Tempore

Don Sedgwick, Council Member

Dore J. Gilbert, M.D., Council Member

Dave Wheeler, Council Member

Location: City Council Chamber, 24035 El Toro Road, Laguna Hills, CA 92653

SPECIAL NOTICE REGARDING CORONAVIRUS (COVID-19): If you wish to attend the City Council meeting in person, the City Council Chambers is located at 24035 El Toro Road, Laguna Hills, CA 92653. The public shall have the right to observe and offer public comment at this location. If you plan on attending, please follow the California Department of Health Guidelines by washing your hands often, refrain from handshakes and maintain social distance of six feet between individuals. While you may attend this meeting in person, given the health risks associated with COVID-19, the City encourages you to submit your comments in writing for city Council consideration at CLH@lagunahillsca.gov. To give the City Council adequate time to review, please submit your written comments by Tuesday, March 24, 2020 at 12:00 p.m.

CALL TO ORDER

Resolution No. 96-04-09-1 established rules of decorum for public meetings held by the City of Laguna Hills. Resolution No. 96-04-09-1 is available on the table at the back of the City Council Chamber.

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER GILBERT

ROLL CALL OF CITY COUNCIL MEMBERS

PUBLIC COMMENTS

Members of the public may address the City Council only on items listed on the Special Meeting Agenda. Public Comments are limited to three minutes per person, an overall time limit of ten minutes for any one subject, and a total time limit of thirty minutes.

RATIFICATION OF THE EXISTENCE OF A LOCAL EMERGENCY

Proposed Resolution Ratifying the Existence of a Local Emergency Related to the Anticipated Spread of the Novel COVID-19 Virus

Recommendation: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Ratifying the existence of a Local Emergency related to the anticipated spread of the Novel COVID-19 Virus."

ADJOURNMENT

The next Regular Meeting of the City Council/Planning Agency will be April 14, 2020, in the City Council Chamber, located at 24035 El Toro Road, Laguna Hills, California.

CERTIFICATION

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, do hereby certify that a copy of the foregoing Agenda was posted at Laguna Hills City Hall, Laguna Hills Community Center, and the Courtyard at La Paz Center by March 20, 2020, at 5:00 pm.



City Clerk

March 20, 2020

Date

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of the City Clerk at (949) 707-2635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 24035 El Toro Road, Laguna Hills, California, during normal business hours.



City of Laguna Hills

City Council/Planning Agency

Staff Report

DATE: March 24, 2020

TO: Mayor and Council Members

FROM: Donald J. White
City Manager

ISSUE: Proposed Resolution Ratifying the Existence of a Local Emergency
Related to the Anticipated Spread of the Novel COVID-19 Virus

RECOMMENDATION: That the City Council adopt a Resolution entitled: "A Resolution of the City Council of the City of Laguna Hills, California, Ratifying the existence of a Local Emergency related to the anticipated spread of the Novel COVID-19 Virus."

SUMMARY:

On January 30, 2020, the World Health Organization ("WHO") declared the outbreak of the infectious disease COVID-19 (the "coronavirus") a "public health emergency of international concern." On February 26, 2020, the County of Orange declared a local emergency and a local health emergency in response to threat of COVID-19. On March 4, 2020, California Governor Gavin Newsom declared a state of emergency in California, and by March 11, 2020, WHO elevated the public health emergency to the status of a pandemic.

Subsequently, on March 13, 2020, President Donald J. Trump declared a national emergency to provide disaster funding, speed up the United States response to the crisis created by COVID-19, and to offer maximum flexibility to attack the problem. Shortly thereafter, on March 16, 2020, the President advised the public to avoid groups of more than 10 people to fight the COVID-19 outbreak.

Further, on March 17, 2020, the Orange County Health Officer issued an order prohibiting all public and private gatherings of any number of people, including at places of work, occurring outside a single household or living unit, until March 31, 2020, except

for the purposes of engaging in an Essential Activity, as defined (*e.g.*, governmental services, healthcare operations, grocery shopping, etc.).

In light of these events, on March 18, 2020, the City Manager, acting as the Director of Emergency Services, proclaimed a local emergency in order for the City to promptly address, prepare for, and take actions necessary to protect public health, safety, and welfare within the City in response to the anticipated spread of COVID-19. The proclamation ensures the continuity of public services and the City's ability to keep the community safe. A copy of the Proclamation No. 2020-03-18-1 is attached hereto.

Pursuant to the California Emergency Services Act and the City's local implementing ordinance, declaring a 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 funding for reimbursement and other financial assistance.

Government Code section 8630 requires that a proclamation of a local emergency that is made by the City Manager, rather than by the City Council, must be ratified by the City Council within seven (7) days. The proclamation was executed by the City Manager, acting as the Director of Emergency Services, on March 18, 2020. Unless the City Council adopts a Resolution ratifying the existence of a local emergency by March 25, 2020, the local emergency will terminate. Because proclaiming a local emergency provides extraordinary powers to the City, if ratified by the City Council, Laguna Hills Municipal Code Section 2-32.060 requires the City Council to review the necessity for continuing the local emergency no less frequently than every fourteen (14) days until the emergency is terminated.

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 ratify the existence of a local emergency at this time by adopting the attached Resolution. In addition, the City Clerk is directed to schedule a review of the necessity for continuing or terminating the local emergency at least every fourteen (14) days hereafter until terminated.

ATTACHMENTS:

- Proposed Resolution Ratifying the Existence of a Local Emergency
- Proclamation No. 2020-03-18-1 Declaring the Existence of a Local Emergency

RESOLUTION NO. 2020-03-24-X

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAGUNA HILLS, CALIFORNIA, RATIFYING THE
EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE
ANTICIPATED SPREAD OF THE NOVEL COVID-19 VIRUS

The City Council of the City of Laguna Hills, California, hereby finds, determines, declares, and resolves as follows:

WHEREAS, Laguna Hills Municipal Code Section 2-32.060 empowers the City Manager, acting as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, which proclamation is subject to ratification by the City Council; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, caused by the anticipated spread of the infectious disease COVID-19 (the “coronavirus”); and

WHEREAS, on March 13, 2020, President Donald J. Trump declared a national emergency to provide disaster funding, speed up the United States response to the crisis created by COVID-19, and to offer maximum flexibility to attack the problem; and

WHEREAS, in order for the City to promptly address, prepare for and take the actions necessary to protect health, safety, and welfare within the City, and to allow the City to access potential reimbursement by the county, state, and federal governments, the Director of Emergency Services declared a local emergency. Residents and businesses within the City are experiencing extreme impacts from county, state, and federal recommendations, requirements, orders, and guidelines as they respond to the COVID-19 health crisis; and

WHEREAS, this health crisis is affecting every aspect of daily lives, and is anticipated to exhaust the available health and public safety resources, both locally and regionally; and

WHEREAS, many cities throughout Orange County, the County of Orange, the State of California, and the Federal government have all proclaimed states of emergency, in order to provide for the preparation and carrying out of plans for the protection of public health, safety, and welfare, thereby demonstrating the magnitude of the impact of the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the Orange County Health Officer issued an order prohibiting all public and private gatherings of any number of people, including

at places of work, occurring outside a single household or living unit, until March 31, 2020, except for the purposes of engaging in an Essential Activity, as defined (e.g., governmental services, healthcare operations, grocery shopping, etc.); and

WHEREAS, on March 18, 2020, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency within the City by enacting Proclamation No. 20-03-18-01, entitled "A Proclamation of the Director of Emergency Services of the City of Laguna Hills, California, Declaring the Existence of a Local Emergency" (the "Proclamation"), at which time the City Council was not in session; and

WHEREAS, the City Council does hereby find that the aforementioned conditions of extreme peril did warrant and necessitate the Proclamation of the existence of a local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Proclamation Declaring the of Existence of a Local Emergency, as enacted and issued by the Director of Emergency Services on March 18, 2020, is hereby ratified and confirmed.

SECTION 3. Said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

PASSED, APPROVED, AND ADOPTED this 24th day of March 2020.

JANINE HEFT, MAYOR

ATTEST:

MELISSA AU-YEUNG, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 2020-03-24-X by the City Council of the City of Laguna Hills, California, at a Special Meeting thereof held on the 24th day of March 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(SEAL)

MELISSA AU-YEUNG, CITY CLERK

PROCLAMATION NO. 2020-03-18-1

A PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LAGUNA HILLS, CALIFORNIA, DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS, Laguna Hills Municipal Code Section 2-32.060 empowers the City Council (while in session), or the Director of Emergency Services (if the City Council is not in session), to declare the existence or threatened existence of a local emergency; and

WHEREAS, California Government Code Section 8550 *et seq.*, including Section 8558(c), authorizes the Director of Emergency Services 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. 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 significant public health threat; and

WHEREAS, Chinese health officials have reported tens of thousands of cases of COVID-19 in China, with the virus reportedly spreading from person-to-person. COVID-19 illnesses, most of them associated with travel from Wuhan, are also being reported in numerous countries, with thousands of cases, including the United States; 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, on February 2, 2020, the federal government initiated the suspension of entry of foreign nationals who were in China during the 14-day period preceding their entry or attempted entry into the United States; and

WHEREAS, as of March 10, 2020, the WHO reported that, to date, 125,048 confirmed cases of COVID-19, 4,613 of which resulted in death, across 117 countries; 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 until at least the end of March. 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, President Donald J. Trump on March 13, 2020, declared a national emergency to provide disaster funding, speed up the United States response to the crisis created by COVID-19, and to offer maximum flexibility to attack the problem; and

WHEREAS, on March 15, 2020, Governor Newsome requested bars and nightclubs to close, restaurants to reduce capacity by half, and all Californians aged 65 and older to self-isolate; and

WHEREAS, on March 16, 2020, President Donald J. Trump advised the public to avoid groups of more than 10 people to fight the coronavirus outbreak; and

WHEREAS, the City of Laguna Hills has the authority to impose measures to promote social distancing including, but not limited to, limitations on public events; and

WHEREAS, the City of Laguna Hills is a significantly populated city within Orange County, which is the sixth largest county in the United States; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen due to the potential introduction of COVID-19 to the City of Laguna Hills and Orange County; and

WHEREAS, such conditions are beyond the control of the services, personnel, equipment, and facilities of the City of Laguna Hills 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 Director of Emergency Services has the authority to declare a local emergency as authorized by California Government Code Section 8630 and Laguna Hills Municipal Code Section 2-32.060.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED BY DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF LAGUNA HILLS AS FOLLOWS:

Section 1. As contemplated in the Emergency Services Act contained in California Government Code Section 8550 *et seq.*, including Section 8558(c), and Chapter 2-32 of Title 2 of the Laguna Hills 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.

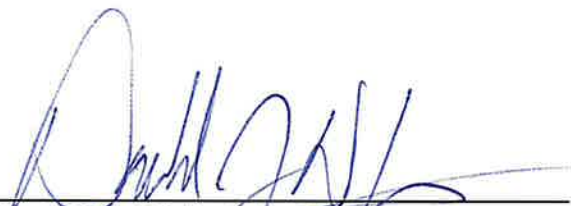
Section 2. The area of the City of Laguna Hills which is endangered/imperiled is the entire city.

Section 3. 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's Emergency Operations Plan.

Section 4. The City Council shall review and ratify this proclamation of the City Manager within **seven (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 and local law until it terminates the local emergency, and shall terminate the local emergency at the earliest possible date that conditions warrant.

Section 5. A copy of this proclamation shall 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 Laguna Hills; 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 18th day of March 2020.


Donald J. White,
Director of Emergency Services/
City Manager

ATTEST:


Melissa Au-Yeung, City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LAGUNA HILLS)

I, Melissa Au-Yeung, City Clerk of the City of Laguna Hills, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Proclamation No. 2020-03-18-1 adopted by the Director of Emergency Services of the City of Laguna Hills, California, on the 18th day of March 2020.

(SEAL)


MELISSA AU-YEUNG, CITY CLERK