

RESOLUTION NO. 20-007

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PACIFIC GROVE
RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY
ISSUED BY THE CITY MANAGER AND FURTHER PROCLAIMING
THE CONTINUED EXISTENCE OF THE EMERGENCY**

WHEREAS, Article 19, subparagraph 1, of the Pacific Grove City Charter authorizes the City Manager under specific circumstances to assume general control of the City government in case of extraordinary emergency. Chapter 3.20 of the Pacific Grove Municipal Code (PGMC) details the manner and scope in which emergency powers are to be exercised; and

WHEREAS, on March 13, 2020, the City Manager proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19 and the City Manager's Proclamation is Exhibit A to this resolution; and

WHEREAS, the City Council find the facts referenced in Exhibit A are conditions contemplated by PGMC Chapter 3.20 and warrant and necessitate proclamation of the existence of a local emergency; and

NOW, THEREFORE, BE IT RESOLVED the City Council of Pacific Grove Park does hereby:

1. Ratify and confirm the proclamation of existence of a Local Emergency, as issued by the City Manager, as attached in Exhibit A, and a Local Emergency now exists throughout the City of Pacific Grove, California.
2. Ratify and confirm the authority of the City Manager During to adopt emergency orders or regulations, as stated in Exhibit A, to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency.
3. Ratify and confirm actions taken to date by the City Manager pursuant to Exhibit A.
4. During this Local Emergency, the powers, functions and duties of the City Manager shall be those prescribed by state law, the City Charter, and Municipal Code enacted by the City to mitigate effects of the Local Emergency, as stated in Exhibit A. Obtain supplies, equipment, and other properties not readily available but is immediately needed for the protection of life or property and to bind the City for the fair value of same.
5. Any exercise of authority by the City Manager to establish or issue a rule or regulation by the City Manager that solely relies on the authority of PGMC Chapter 3.20, this Resolution, or the City Manager's Resolution attached as Exhibit A, shall thereafter require affirmative confirmation by the City Council at the earliest practicable time.
6. This Local Emergency shall continue until it is terminated by proclamation of the City Council.

7. Pursuant to Section 8630 of the Government 5 Code, the City Council shall proclaim the termination of a local emergency at the earliest possible time conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the City Council.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 18th day of March, 2020, by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, Smith and Tomlinson.

NOES: None.

ABSENT: Councilmember McAdams.

APPROVED:



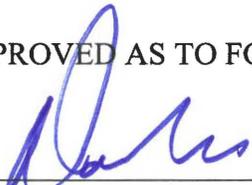
BILL PEAKE, Mayor

IN WITNESS WHEREOF, I have hereunto
set my hand and affixed the Official Seal
of said City on this 18th day of March, 2020.



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

**PROCLAMATION OF LOCAL EMERGENCY
BY THE CITY MANAGER
OF THE CITY OF PACIFIC GROVE**

FACTS

1. Article 19, subparagraph I, of the Pacific Grove City Charter authorizes the City Manager under specific circumstances to assume general control of the City government in case of extraordinary emergency. Chapter 3.20 of the Pacific Grove Municipal Code (PGMC) details the manner and scope in which emergency powers are to be exercised.
2. The definition of an emergency (PGMC §3.20.020) includes actual or threatened conditions that may cause peril to the safety of persons within the city caused by conditions such as epidemic. The PGMC designates the City Manager as the emergency services director and the police chief as the assistant emergency services director. (§3.20.070).
3. The City Manager has found, and by this Proclamation confirms, conditions of extreme peril to the safety of persons and property have arisen within the City.
4. The Centers for Disease Control and Prevention has stated that a novel coronavirus named "COVID-19" is a serious public health threat, based on current information.
5. Governor Newsom declared a state of emergency exists due to the COVID-19 outbreak.
6. The County of Monterey Health Officer issued a statement that a threat exists of widespread community transmission of COVID-19 in Monterey County. This threat is imminent and poses a critical threat to public health and safety.
7. The COVID-19 public health threat may have immediate or future impacts on the City's ability to provide services to the community as follows:
 - a. Urgent modification to City services, including temporary closure of public facilities, cancellation of non-essential City sponsored events and meetings, temporary suspension of employee travel, and increase remote access by city employees; and
 - b. Additional service impacts such as temporary cancellation of programs and services at City operated facilities; and
 - c. Reassignment of staff to deliver essential services necessary to protect life and property of the Pacific Grove community: police patrol, police dispatch and records, emergency building inspections, public works emergency response, public information and City Council support, and the internal services necessary

to support essential services including payroll, accounts payable, procurement, information technology, and critical fleet maintenance; and

- d. Reassignment of staff may impair ability to make progress on City Council priorities and work plan and comply with mandated state and federal reporting; and
 - e. The economic impact of COVID-19 may cause significant reductions in City transient occupancy tax, sales tax, property transfer tax, permits and licenses, and fees for service revenues.
8. The City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn; the commitment to meet and confer in good faith shall not impede the City's ability to protect life and safety of the Pacific Grove community; and
 9. The foregoing facts reflect conditions of extreme peril and warrant and necessitate the proclamation of a Local Emergency; and
 10. To enforce regulations made under Chapter 3.20, PGMC section 3.20.080 makes it unlawful (and enforceable by PGMC Chapter 1.16) to do any act forbidden or required by a regulation issued pursuant to Chapter 3.20.

NOW, THEREFORE, the City Manager does hereby proclaim:

1. The existence of a local emergency within the City of Pacific Grove on the thirteenth day of March, 2020 and;
2. During this Local Emergency, the powers, functions and duties of the City Manager shall be those prescribed by state law, the City Charter, and Municipal Code enacted by the City to mitigate effects of the Local Emergency, to include the following powers:
 - a. Control and direct City efforts to manage the emergency;
 - b. Represent the City in all dealings with public or private agencies on matters pertaining to emergencies;
 - c. Make and issue rules and regulations on matters reasonably related to the protection of life and/or property as affected by the emergency. (Thereafter those rules and regulations must be confirmed at the earliest practicable time by the city council.); and

- d. Obtain supplies, equipment, and other properties not readily available but is immediately needed for the protection of life or property and to bind the City for the fair value of same,
3. This Local Emergency may be modified or terminated by the City Manager, and
 4. This Local Emergency may (a) be rescinded by the City Council, or (b) shall be rescinded and have no further force or effect by the failure of the City Council to ratify this Proclamation at its next Regular or Special Meeting.

Dated: *March 13, 2020*



City Manager