

RESOLUTION NO. 2020-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEMECULA REAFFIRMING AND PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY RELATING TO THE COVID-19 VIRUS PANDEMIC AND ISSUING CERTAIN ORDERS FOR THE CONDUCT OF CITY AFFAIRS DURING THE LOCAL EMERGENCY

THE CITY COUNCIL OF THE CITY OF TEMECULA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The City Council finds, determines and declares that:

(a) Government Code § 8630 and Temecula Municipal Code Chapter 2.56 provide that the City Council of the City of Temecula may proclaim the existence of a local emergency as defined by Government Code § 8558, subdivision (c).

(b) In December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting countries throughout the world, including the United States.

(c) Since the federal Centers for Disease Control and Prevention (“CDC”) confirmed the first possible case of community spread of COVID-19 in the United States on February 26, 2020, there has been a significant and continued escalation of United States domestic cases and deaths from COVID-19.

(d) On March 4, 2020, Gavin Newsom, Governor of the State of California, proclaimed a state of emergency to exist in California due to the spread of COVID-19.

(e) On March 11, 2020 the World Health Organization declared the COVID-19 outbreak to be a pandemic.

(f) On March 13, 2020, President Trump determined that the ongoing Coronavirus Disease 2019 (COVID-19) pandemic is of sufficient severity and magnitude to warrant an emergency determination under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207.

(g) Governor Newsom has issued several Executive Orders making certain findings and issuing emergency orders to deal with the COVID-19 pandemic. These Executive Orders are listed and updated continuously at <https://www.gov.ca.gov/category/executive-orders/>. More Executive Orders are expected.

(h) The California Department of Public Health continues to report a significant number of COVID-19 cases and deaths in the state. The number of cases and deaths are reported and updated at <https://www.cdph.ca.gov/programs/cid/dcdc/pages/immunization/ncov2019.aspx>.

(i) The Riverside County Public Health Officer has issued numerous Health Orders making certain findings and issuing emergency orders to deal with the COVID-19 pandemic, including cancelling and prohibiting all gatherings and requiring all persons to wear a mask when outside of their homes. The Riverside County Health Officer's Orders are listed and updated continuously at <https://www.rivcoph.org/coronavirus>. More Health Orders are expected.

(j) The Governor's Executive Orders and Riverside County Health Officer's Health Orders to close and partially re-open non-essential businesses and prohibit gatherings has created economic hardship and dislocation for persons and businesses and will reduce tax revenues to the City necessary for providing essential City services.

(k) On March 17, 2020, the City Manager of the City of Temecula issued a Declaration of Local Emergency related to the COVID-19 pandemic pursuant to Temecula Municipal Code Section 2.56.050.

(l) On March 24, 2020, the City Council adopted Resolution No. 2020-17 entitled "A Resolution of the City Council of the City of Temecula Proclaiming the Existence of a Local Emergency Relating to the COVID-19 Virus Pandemic and Confirming the City Manager's Declaration of Local Emergency on March 17, 2020." The City Council reaffirmed the findings of the Local Emergency on several occasions by adopting: Resolution No. 2020-20 on April 28, 2020; Resolution No. 2020-35 on June 9, 2020; and Resolution No. 2020-55 on August 11, 2020.

(m) Due to the expanding list of countries with widespread transmission of COVID-19, increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the CDC, the escalation of United States domestic cases of and deaths from COVID-19, the identification of COVID-19 cases in California and Riverside County, COVID-19, and the severity and magnitude of the COVID-19 pandemic, has created conditions that are or likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat.

(n) 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.

(o) The City Council finds that these conditions continue to warrant and necessitate that the City reaffirm and proclaim the existence of a local emergency.

Section 2. Proclamation of Local Emergency. Based on the findings set forth above, the City Council of the City of Temecula hereby reaffirms the findings set forth in Resolution Nos. 2020-17, 2020-20, 2020-35, and 2020-55 and further proclaims that a local emergency now exists throughout the City of Temecula. During the existence of said local emergency the following shall be in effect:

(a) The local emergency powers, functions, and duties of the City Manager and the emergency organization of this City shall be those prescribed by state law, by ordinances, and resolutions of this City, and by the approved emergency plans of the City of Temecula.

(b) The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Temecula, State of California.

(c) The City Council shall review this local emergency proclamation at least every sixty (60) days pursuant to Government Code Section 8630(c) and shall terminate the emergency proclamation at the earliest possible date the conditions warrant.

(d) The City Manager is authorized to transfer funds from the Unreserved Fund Balance and transfers between departmental budget accounts when necessary under this declaration of an emergency.

(e) Pursuant to the provisions of Temecula Municipal Code Section 2.56.050 the City Manager is authorized to enter into agreements on behalf of the City necessary under this declaration of an emergency.

(f) The City Council determines that for the reasons described in this Resolution, compliance with the bidding requirements of Chapters 3.28 and 3.30 of the Temecula Municipal Code is not in the best interest of the City and all such bidding requirements are hereby waived.

(g) The City Manager may authorize expenditures of funds without regard to the amounts thereof, so long as there exists an unencumbered appropriation in the fund account against which the cost of the agreement is to be charged.

(h) The City Manager is hereby authorized to enter into all agreements on behalf of the City, Temecula Community Services District, and the Successor Agency to the Temecula Redevelopment Agency without regard to the amounts thereof, so long as there exists an unencumbered appropriation in the fund account against which the cost of the agreement is to be charged, including without limitation, consultant agreements, agreements for the purchase of goods and services, real property leases and license agreements, public works construction and maintenance agreements, grant agreements, and amendments to real property purchase agreements and exclusive negotiating agreements.

(i) The City Manager is hereby authorized to approve documents implementing the provisions of the California Environmental Quality Act (CEQA) other than Environmental Impact Reports.

(j) The City Manager is hereby authorized to approve notices of completion, accept surety bonds, and release surety bonds, in connection with public works projects.

(k) The City Manager, in consultation with the City Attorney, is hereby authorized to settle personal injury and property damage lawsuits and enter into settlement agreements on behalf of the City, Temecula Community Services District, and the Successor Agency to the Temecula Redevelopment Agency without regard to the amounts thereof, so long as there exists an unencumbered appropriation in the fund account against which the cost of the agreement is to be charged.

(l) The City Manager is authorized to negotiate and implement labor related policies and staffing changes deemed necessary in order to respond to the Local Emergency.

(m) The City Manager is authorized to sign checks on behalf of the City, including without limitation, payroll hand checks, and may delegate this authority to the Director of Finance.

(n) City Manager is authorized to modify on-street and off-street parking requirements for businesses, including without limitation modifications for food service or other businesses to accommodate pick-up or delivery services.

Section 3. Ratification of City Manager's Actions. The City Council hereby ratifies the actions of the City Manager taken pursuant to Resolution Nos. 2020-17, 2020-20, 2020-35 and 2020-55.

Section 4. Further Actions. The City Manager shall:

(a) Forward a copy of this Resolution to the Director of California Governor's Office of Emergency Services;

(b) Reaffirm the City's request the Governor of California, pursuant to the Emergency Services Act issue a proclamation declaring an emergency in Riverside County and waive regulations that may hinder response and recovery efforts;

(c) Reaffirm the City's request that recovery assistance be made available under the California Disaster Assistance Act; and

(d) Reaffirm the City's request that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

Section 5. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Temecula this 13th day of October, 2020.

Maryann Edwards, Mayor Pro Tempore

ATTEST:

Randi Johl, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss
CITY OF TEMECULA)

I, Randi Johl, City Clerk of the City of Temecula, do hereby certify that the foregoing Resolution No. 2020- was duly and regularly adopted by the City Council of the City of Temecula at a meeting thereof held on the 13th day of October, 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Randi Johl, City Clerk