

Folsom City Council Staff Report

MEETING DATE:	4/28/2020
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10422 – A Resolution of the City Council Confirming Emergency Order DES-03-20 Issued by the Director of Emergency Services
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council pass and adopt the following Resolution:

Resolution No. 10422 – A Resolution of the City Council Confirming Emergency Order DES-03-20 Issued by the Director of Emergency Services

BACKGROUND / ISSUE

The rapid spread of the novel coronavirus 2019 (COVID-19) throughout the country has caused many states, including the State of California, to declare a state of emergency. Part of the reasons for the emergency declarations is due to the lack of a vaccine and effective medical treatment to help patients recover from COVID-19, which has resulted in severe illnesses, health complications and deaths worldwide.

The Governor of the State of California declared a state of emergency on March 4, 2020. The Sacramento County Board of Supervisors ratified the declaration of a state of emergency by the County Health Officer on March 10, 2020. The Folsom City Council declared the existence of a local emergency on March 16, 2020.

POLICY / RULE

Rules and regulations issued by the City's Director of Emergency Services must be confirmed by the City Council at the earliest practicable time. Folsom Municipal Code Section 2.28.040(E)(1).

ANALYSIS

On the basis of the City Council declaration of a local emergency, the City’s Director of Emergency Services (City Manager) is empowered to make and issue rules and regulations on matters reasonably related to the protection of life, environment and property as affected by such emergency, and that such emergency rules and regulations must be confirmed by the City Council at the earliest practicable opportunity.

Following the City Council’s proclamation of a local emergency, the City’s Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020) and Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020).

In the interest of protecting life and property of those affected by the COVID-19 emergency, the City’s Director of Emergency Services issued a further Emergency Order, DES-03-20, on April 10, 2020 (Attachment No. 2). Said Emergency Order is being presented to the City Council for confirmation consistent with Section 2.28.040(E)(1) of the Folsom Municipal Code.

FINANCIAL IMPACT

Costs and expenses associated with emergency response actions are budgeted in the City’s General Fund, which may be reimbursable under the State and Federal emergency proclamations.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENTS

1. Resolution No. 10422 – A Resolution of the City Council Confirming Emergency Order DES-03-20 Issued by the Director of Emergency Services
2. Emergency Order DES-03-20

Respectfully submitted,



Steven Wang, City Attorney

ATTACHMENT 1

RESOLUTION NO. 10422

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING
EMERGENCY ORDER DES-03-20 ISSUED BY THE
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, the Governor of the State of California proclaimed on March 4, 2020 a State of Emergency to exist in California as a result of the threat from the rapid spread of a respiratory illness caused by novel coronavirus 2019 (COVID-19); and

WHEREAS, Sacramento County has confirmed community transmission of COVID-19, with multiple cases of diagnosed patients, and cautioned that the rapid transmission of COVID-19 poses an ongoing risk and likelihood of additional patients in Sacramento County; and

WHEREAS, on March 10, 2020 the Sacramento County Board of Supervisors ratified the County Public Health Officer's Proclamation of Local Public Health Emergency in Sacramento County due to the threat to public health and safety from COVID-19; and

WHEREAS, there is currently no vaccine or medical treatment specifically for COVID-19, which constitutes a potential epidemic under Section 8558 of the Government Code that, by reason of its magnitude, is potentially beyond the control of the services, personnel, equipment and facilities of the City of Folsom and requires the combined forces of a mutual aid region or regions to contain, control, combat, treat and mitigate; and

WHEREAS, on March 16, 2020, the City Council adopted Resolution No. 10408 and proclaimed the existence of a local emergency in the City of Folsom; and

WHEREAS, following the City Council proclamation of a local emergency, and based on the authority in Section 2.28.040 of the Folsom Municipal Code, the City's Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020) and Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020); and

WHEREAS, in the interest of protecting life and property affected by the COVID-19 emergency, the City's Director of Emergency Services issued further rules and regulations in Emergency Order DES-03-20 on April 10, 2020; and

WHEREAS, rules and regulations issued by the City's Director of Emergency Services shall be confirmed by the City Council as early as practicable under the circumstances of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that Emergency Order DES-03-20 is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 28th day of April, 2020, by the following roll-call vote:

AYES: Council Member(s):
NOES: Council Member(s):
ABSENT: Council Member(s):
ABSTAIN: Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2



EMERGENCY ORDER DES-03-20

Pursuant to the Proclamation of a State of Emergency by California Governor Gavin Newsom on March 4, 2020 in response to the rapid spread of the novel coronavirus (COVID-19), the Governor's Executive Orders (including but not limited to N-33-20), the Order of the Sacramento County Health Officer dated March 19, 2020, the City's Proclamation of a Local Emergency dated March 16, 2020, the Order of the Sacramento County Health Officer dated April 7, 2020, and Government Code Section 8634, I hereby issue the following Order:

1. Section 10.20.280 of the Folsom Municipal Code (pertaining to the 72-hour parking limitation of recreational vehicles (RV) on City streets) is suspended from April 8, 2020 until further notice for First Responders defined in subsection "A" below, subject to full compliance of the rules set forth in subsection "B". Failure to comply with all rules shall cause immediate lifting of the suspension and subject violators to fines and penalties in Chapter 10.20 of the Folsom Municipal Code.

- A. For purpose of this Section, "First Responders" are individuals necessary for the provision of transport, care, and healthcare of medical patients, and individuals whose services are needed to assist with the response to COVID-19 including law enforcement officers, fire fighters, emergency medical services personnel, public health personnel, paramedics, 911 operators, public works personnel, as long as they meet the threshold requirement of providing services necessary to limit the spread of COVID-19. Individuals not listed above shall remain subject to Section 10.20.280 of the Folsom Municipal Code, unless written exemption is issued by the City Manager at her sole and complete discretion.
- B. First Responder shall:
- (i) Notify Code Enforcement of RV parking on City street by calling (916) 461-6227 or emailing ppiccardo@folsom.ca.us;
 - (ii) Provide verification of First Responder status (e.g., hospital-issued identification badge/card for healthcare professionals) to Code Enforcement;
 - (iii) Maintain First Responder status throughout the period of receiving the benefit provided in this Order;

- (iv) Place City-issued exemption permit on the front windshield or entry door of the RV so that the permit is visible from the outside;
- (v) Assure that the RV is only used and occupied by the First Responder and that no other person may stay or remain in the RV other than to provide food, groceries, medicine, medical care and household supplies; and
- (vi) Comply with all laws and regulations, including but not limited to the City's noise ordinance in Chapter 8.42 of the Folsom Municipal Code.

2. Effective from the date of this Order until termination of the local emergency, non-public safety City employees must maintain six-foot social distancing while at work. It is also strongly recommended that when City employees are engaged in Essential Activities or visiting Essential Businesses in the community that they wear face coverings over their nose and mouth. The face coverings do not have to be (and should not be) medical-grade surgical masks or N95 respirators, but rather, fabric coverings such as scarves, bandanas or homemade fabric face coverings. Each permanent City employee may obtain one fabric face covering from their Department Director at no cost.

3. Visitors to City facilities are strongly encouraged to wear face coverings over their nose and mouth. This is a strong recommendation and not a mandatory requirement at this time.

Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.


This Order 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 Folsom, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice.

IT IS SO ORDERED:
DES-03-20

Date: April 10, 2020

By: 
Elaine Andersen
City Manager
Director of Emergency Services