



Folsom City Council Staff Report

MEETING DATE:	8/24/2021
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 10678 – A Resolution of the City Council Confirming Emergency Order DES-07-20 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. 10678 – A Resolution of the City Council Confirming Emergency Order DES-07-20 Issued by the Director of Emergency Services.

BACKGROUND / ISSUE

The rapid spread of the novel coronavirus 2019 (COVID-19) throughout California and the United States caused Governor Newsom to declare 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, and the Folsom City Council made a similar declaration of a local emergency on March 16, 2020.

Pursuant to the declaration of a local emergency by the City Council, several Emergency Orders were issued by the City's Director of Emergency Services (City Manager) to assist Folsom residents and businesses through this worldwide pandemic.

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 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.

Emergency Order DES-01-20 issued by the City's Director of Emergency Services on March 20, 2020 (confirmed by the City Council on March 27, 2020) waived rental payments for rental or lease of City facilities under a formal written lease agreement or concessionaire agreement from March 20, 2020 to May 31, 2020. The temporary waiver was extended to the termination of the local emergency by Emergency Order DES-04-20 dated May 1, 2020 (confirmed by the City Council on May 12, 2020).

As of June 15, 2021, Governor Newsom terminated the executive orders that put into place the stay home order and the Blueprint for a Safer Economy, and lifted the COVID-19 restrictions pertaining to physical distancing, capacity limits on businesses, and the County tier system. The "re-opening" of California has resulted in an increase of business activities from pent-up customer demand over the past year.

Accordingly, the City's Director of Emergency Services issued Emergency Order DES-07-20 on August 5, 2021 to resume collection of payments for rental or lease of City facilities starting September 1, 2021. Notices were given to renters, lessees, and concessionaire in advance.

Emergency Order DES-07-20 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. 10678 – A Resolution of the City Council Confirming Emergency Order DES-07-20 Issued by the Director of Emergency Services
2. Emergency Order DES-07-20

Respectfully submitted,

Steven Wang, City Attorney

Attachment 1.

**Resolution No. 10678 – A Resolution of the City Council Confirming
Emergency Order DES-07-20 Issued by the Director of Emergency
Services**

RESOLUTION NO. 10678

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING
EMERGENCY ORDER DES-07-20 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 documented community transmission of COVID-19, with multiple cases of diagnosed patients and fatalities, and the County Health Officer has 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, 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 Orders that temporarily waived rental payments for rental or lease of City facilities under a formal written lease agreement or concessionaire agreement until termination of the local emergency; and

WHEREAS, as of June 15, 2021, Governor Newsom terminated the executive orders that put into place the stay home order and the Blueprint for a Safer Economy, and lifted the COVID-19 restrictions pertaining to physical distancing, capacity limits on businesses, and the County tier system, resulting in an increase of business activities; and

WHEREAS, the City's Director of Emergency Services issued Emergency Order DES-07-20 on August 5, 2021 to resume collection of payments for rental or lease of City facilities starting September 1, 2021; 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-07-20 is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 24th day of August, 2021, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Michael D. Kozlowski, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2.

Emergency Order DES-07-20



EMERGENCY ORDER DES-07-20

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 City's Proclamation of a Local Emergency dated March 16, 2020, and Government Code Section 8634, I hereby issue the following Order:

1. Section 11 of Emergency Order DES-040-20 dated May 1, 2020 is hereby modified as follows:

Temporary waiver of rental payments for rental or lease of City facilities under a formal written lease agreement or concessionaire agreement due and payable to the City, as described in Emergency Order DES-01-20, shall be extended until August 31, 2021. Contractual obligations to make rental and lease payments resume September 1, 2021, and the payments are due and payable on the due date specified in the written rental, lease, or concessionaire agreement.

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-07-20

Date: August 5, 2021

By: _____


Elaine Andersen
City Manager
Director of Emergency Services