



Folsom City Council Staff Report

MEETING DATE:	3/27/2020
AGENDA SECTION:	New Business
SUBJECT:	Resolution No. 10409 – A Resolution of the City Council Confirming Emergency Order DES-01-20 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. 10409 – A Resolution of the City Council Confirming Emergency Order DES-01-20 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.

In the interest of protecting life and property of those affected by the COVID-19 emergency, the City’s Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (Attachment No. 1). 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. Emergency Order DES-01-20
2. Resolution No. 10409 – A Resolution of the City Council Confirming Emergency Order DES-01-20 Issued by the Director of Emergency Services

Respectfully submitted,



Steven Wang, City Attorney



EMERGENCY ORDER DES-01-20

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, and Government Code Section 8634, I hereby issue the following Order:

1. All law enforcement officers under the command of the City of Folsom Chief of Police shall take all steps necessary to cause the dispersal and prevent the continuation of large outdoor gathering of people (over 10 individuals) in the City of Folsom, whether or not practicing social-distancing (maintain at least 6-feet from any other person), whenever the law enforcement officer on the scene has reason to believe the gathering endangers or is likely to endanger the health and safety of persons from the spread of COVID-19. Nothing in this Order prohibits the gathering of members of a household or living unit, or the gathering of people for the limited purposes expressly permitted in Section 10 of the Order of the Sacramento County Health Officer.
2. All non-essential permanent City employees designated by the Human Resources Department shall stay home from the date of this Order until March 31, 2020 and follow the State and Sacramento County's stay home orders. Said employees will be provided paid administrative leave through March 31, 2020 and are subject to work assignments as determined by their Department Director from time to time.
3. All permanent City employees performing essential services as determined by the Human Resources Department shall continue to report to their work locations and perform their duties.
4. Rental payments for rental or lease of City facilities under a formal written lease agreement or concessionaire agreement due and payable to the City shall be waived from the date of this Order to May 31, 2020.
5. The Contract Between the City of Folsom and the Sacramento Society for the Prevention of Cruelty to Animals for Shelter Services dated January 1, 2018 shall be modified per emergency request from the Sacramento SPCA as shown in Exhibit "A" attached to this Order, from the date of this Order to May 1, 2020.

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-01-20**

Date: March 20, 2020

By: / signed /
Elaine Andersen
City Manager
Director of Emergency Services

TIME RECEIVED
March 20, 2020 at 5:19:29 PM PDT

REMOTE CSID
9836450

DURATION
35

PAGES
1

STATUS
Received

03/29/2004 10:54 9836450

JAY AND ELAINE

PAGE 01

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-01-20

Date: March 20, 2020

By:



**Elaine Andersen
City Manager
Director of Emergency Services**

EXHIBIT A

The Contract Between the City of Folsom and the Sacramento Society for the Prevention of Cruelty to Animals for Shelter Services dated January 1, 2018 shall be amended for the period from March 20, 2020 to May 1, 2020 as follows:

- 1) The SSPCA will only intake stray animals from the Folsom Jurisdiction in need of advanced medical care, and those animals will be treated by the SSPCA medical staff and transferred to foster homes after 72 hours if no owner is found.
- 2) Healthy cats and kittens over the age of 8 weeks will not be accepted and must be returned to the neighborhood they were found and not brought into the SSPCA shelter unless medically necessary. SSPCA will continue to take unweaned animals.
- 3) If a cat or dog is deemed aggressive or "unadoptable" after it becomes medically stable, SSPCA may proceed with euthanasia if no owner is found after the five day holding period. Since the SSPCA will be closed to the public, this five-day period begins on the day of intake.
- 4) The SSPCA is willing to continue housing dogs under Bite Quarantine (BQ), if absolutely necessary. BQ in the home setting is preferred but SSPCA recognizes this is not always an option.
- 5) The SSPCA will remain available to house Protective Custody cases, should the need arise, with coordination between Folsom and the SSPCA. The SSPCA will require ALL behaviorally sound protective custody animals be eligible for off-site foster care through SSPCA approved foster homes.
- 6) If an animal owner comes to reclaim their pet in SSPCA's care, and the boarding fees serve as a barrier for the owner to reclaim their pet, SSPCA will waive the boarding fees they charge to Folsom and, in exchange, Folsom will waive collection of said boarding fees from the pet owner.

/// NOTHING FOLLOWS ///

RESOLUTION NO. 10409

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING
EMERGENCY ORDER DES-01-20 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 rules and regulations in Emergency Order DES-01-20 in the interest of protecting life and property affected by the COVID-19 emergency; 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-01-20 is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 27th day of March, 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