

**RESOLUTION NO. 2020-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN RATIFYING THE DIRECTOR OF EMERGENCY SERVICES PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY**

**WHEREAS**, Section 2.02.130 of the Newman City Code empowers the City of Newman (the "City") Director of Emergency Services to proclaim a local emergency if the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

**WHEREAS**, conditions or threatened conditions caused by the novel coronavirus ("COVID-19") including, but not limited to, potential isolation and quarantines of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City; and

**WHEREAS**, on March 17<sup>th</sup>, 2020 the Director of Emergency Services proclaimed the existence of a local emergency in the City based on conditions or threatened conditions caused by COVID-19; and

**WHEREAS**, Government Code section 8630 generally requires the City Council to review the need for continuing the local emergency at least once every sixty (60) days, but as part of Governor Gavin Newsom's March 4, 2020 Declaration of a State of Emergency in California due to COVID-19, this provision has been waived for the duration of the statewide emergency, allowing the City to maintain the local health emergency until terminated by the City Council; and

**WHEREAS**, the City Council does hereby find that conditions or threatened conditions caused by COVID-19 did warrant and necessitate the proclamation of the existence of a local emergency in the City, and that COVID-19 continues to present conditions of extreme peril to the safety of persons and property within the City.

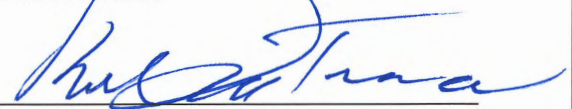
**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of Newman as follows:

1. Pursuant to Government Code section 8630, the Proclamation of Existence of a Local Emergency issued by the *Director of Emergency Services* on March 17<sup>th</sup>, 2020 is hereby ratified.
2. The City may request any available funding from the California Disaster Assistance Act, the Small Business Administration, or any other funding available as a result of this proclamation of local emergency.
3. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.


The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 19<sup>th</sup> day of March, 2020 by Council Member Day, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: McDonald, Graham, Day and Mayor Martina.  
NOES: None.  
ABSENT: Candea.  
ABSTAIN: None.

APPROVED:

  
\_\_\_\_\_  
Mayor of the City of Newman

ATTEST:

  
\_\_\_\_\_  
City Clerk of the City of Newman

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY  
BY THE DIRECTOR OF EMERGENCY SERVICES**

**WHEREAS**, Section 2.02.120.A of the Newman City Code designates the City Manager as the Director of Emergency Services; and

**WHEREAS**, Section 2.02.130 of the Newman City Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency in the City of Newman (the "City") if the City Council is not in session, subject to ratification by the City Council within seven (7) days; and

**WHEREAS**, the Centers for Disease Control and Prevention (the "C.D.C.") considers the novel coronavirus ("COVID-19") to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

**WHEREAS**, COVID-19 is easily transmissible from person to person and has spread globally to approximately one hundred eighteen (118) countries infected more than one hundred twenty-five thousand (125,000) people, and killed more than four thousand (4,000) people as of March 12, 2020, according to the World Health Organization (the "WHO"); and

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services Secretary declared a public emergency for COVID-19 beginning on January 27, 2020; and

**WHEREAS**, on March 4, 2020, the Governor of the State of California (the "Governor"), declared a state of emergency in the State of California (the "State") due to the number of confirmed cases of COVID-19 in the State; and

**WHEREAS**, on March 11, 2020, the WHO characterized COVID-19 as a pandemic; and

**WHEREAS**, on March 11, 2020, the Governor announced that State public health officials have determined that gatherings of more than two hundred fifty (250) people should be postponed or canceled across the State until at least the end of March; and

**WHEREAS**, as of March 12, 2020, there are two (2) cases of COVID-19 in the County of Stanislaus (the "County"), including an assumed case of community transmission; and

**WHEREAS**, on March 12, 2020, the County Health Officer issued a Countywide moratorium on mass gatherings of one thousand (1,000) or more persons until March 31, 2020 to mitigate the spread of COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency due to COVID-19; and

**WHEREAS**, the health, safety, and welfare of City residents, businesses, visitors, and staff are of utmost importance to the City, and additional future measures may be needed to protect the community; and

**WHEREAS**, declaring a local emergency allows additional resources to flow into the City in a timely fashion; and

**WHEREAS**, existing conditions related to COVID-19 constitute an emergency as defined in City Code Section 2.02.020; and

**WHEREAS**, The Director of Emergency Services of the City of Newman hereby finds that:

- The efforts required to prepare for, respond to, mitigate, and recover from the increasing spread of COVID-19 have imposed, and will continue to impose, extraordinary requirements and expenses on the City, requiring diversion from day-to-day operations;

- In addition to the above facts, conditions or threatened conditions caused by COVID-19 including, but not limited to, potential isolation and quarantines of residents, employees, businesses, and public safety workers, give rise to conditions of extreme peril to the safety of persons and property within the City;
- These conditions are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and
- At the time of this proclamation, the City Council is not in session, and cannot be called into session.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout the City due to COVID-19.

**IT IS FURTHER PROCLAIMED AND ORDERED** that during the existence of the local emergency, the powers functions and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by State law, the ordinances and resolutions of the City, and the City of Newman Emergency Plan.

**IT IS FURTHER PROCLAIMED AND ORDERED** that the local emergency shall expire unless ratified by the City Council within 7 days of this proclamation.

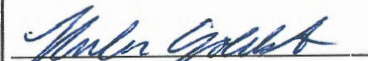


Michael E. Holland  
City Manager and  
Director of Emergency Services

17 MAR 20

Date

Approved as to Form:



Nubia Goldstein,  
City Attorney

March 17, 2020

Date



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**WHEREAS**, the City Council does hereby find that conditions or threatened conditions caused by COVID-19 did warrant and necessitate the proclamation of the existence of a local emergency in the City, and that COVID-19 continues to present conditions of extreme peril to the safety of persons and property within the City.

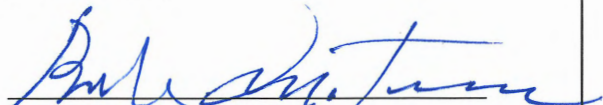
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ABSTAIN: None.

APPROVED:

  
Mayor of the City of Newman

ATTEST:

  
City Clerk of the City of Newman