

RESOLUTION NO. 2020-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, (i) RATIFYING THE PROCLAMATION OF A LOCAL EMERGENCY ISSUED ON MARCH 15, 2020, BY CITY MANAGER GRACE LEUNG, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH, AND (ii) APPROVING AND AUTHORIZING CERTAIN ACTIONS RELATING THERETO

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, to proclaim the existence or threatened existence of a local emergency when the City of Newport Beach is affected or likely to be affected by a public calamity and the City Council is not in session;

WHEREAS, as part of the State of California's response to address the global COVID-19 outbreak, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for the broader spread of COVID-19;

WHEREAS, on March 15, 2020, Governor Newsom called for all bars, wineries, nightclubs and brewpubs to close throughout the state, urged all seniors and people with chronic health conditions to isolate themselves at home, and for restaurants to reduce occupancy by half to keep people farther away from each other;

WHEREAS, the City of Newport Beach has a significant number of bars, restaurants and, based on the most recent demographic information available, a significant number of residents who are age 65 and over;

WHEREAS, on March 15, 2020, conditions of extreme peril to the public safety arose within the territorial limits of the City of Newport Beach based on the existence or threatened existence of COVID-19, within and/or around the City of Newport Beach ("COVID-19 Crisis");

WHEREAS, in response to the COVID-19 Crisis, City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, issued a Proclamation of Local Emergency ("Proclamation"), a copy of which Proclamation is attached hereto as Attachment 1 and incorporated herein by this reference, because the response to the declared State of Emergency and guidance from Governor Newsom, may be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and may require the combined forces of other political subdivisions and other agencies to combat;

WHEREAS, the City Council was not in session at the time the Proclamation was issued; and

WHEREAS, the City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the issuance of the Proclamation by the Director of Emergency Services.

NOW, THEREFORE, BE IT RESOLVED as follows:

Section 1: The City Council hereby confirms and ratifies that certain Proclamation of the Existence of a Local Emergency by the Director of Emergency Services, which Proclamation is dated March 15, 2020.

Section 2: The City Council hereby confirms and ratifies the order and regulation set forth in the Proclamation as follows:

1. No person shall enter, be within, or remain within, any building or area within the City of Newport Beach after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

2. A violation of Section 1 of this emergency order and regulation shall be a misdemeanor punishable pursuant to Section 2.20.100 and/or Section 1.04.010 of the Newport Beach Municipal Code.

3. All peace officers are hereby authorized to enforce the above emergency order and regulation and to arrest any persons who do not obey said order and regulation (collectively "Order and Regulation").

Section 3: The Director of Emergency Services shall take any and all action to ensure that the Order and Regulation is given widespread publicity and notice.

Section 4: The local emergency shall be deemed to continue to exist throughout the City of Newport Beach and the Order and Regulation shall remain in effect until the local emergency is terminated by proclamation of the City Council of the City of Newport Beach.

Section 5: The City Manager is hereby authorized to order, undertake, and/or direct such other measures as may be necessary or appropriate to respond to the COVID-19 Crisis.

Section 6: The City Manager is hereby authorized to issue further orders and regulations and to enter into agreements as may be necessary or appropriate to respond to the COVID-19 Crisis.

Section 7: A copy of this resolution and the emergency proclamation shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with state law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Newport Beach; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the state expedite access to state and federal resources and any other appropriate federal disaster relief programs.

Section 8: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 9: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 11: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 18th day of March, 2020.



Will O'Neill
Mayor

ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Proclamation of Local Emergency dated March 15, 2020

**PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY
BY THE DIRECTOR OF EMERGENCY SERVICES
OF THE CITY OF NEWPORT BEACH**

WHEREAS, Section 2.20.060 of the Newport Beach Municipal Code empowers the Director of Emergency Services of the City of Newport Beach to proclaim the existence of a local emergency due to the existence of conditions of disaster or extreme peril to the safety of persons or property within the City of Newport Beach, and the City Council is not in session; and

WHEREAS, the Emergency Services Director of the City of Newport Beach does hereby find:

1. As part of the state's response to address the global COVID-19 outbreak, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19;

2. On March 15, 2020, Governor Newsom called for all bars, wineries, nightclubs and brewpubs to close throughout the state, urged all seniors and people with chronic health conditions to isolate themselves at home, and for restaurants to reduce occupancy by half to keep people farther away from each other;

3. The City of Newport Beach has a significant number of bars, restaurants and, based on the most recent demographic information available, a significant number of residents who are age 65 and over;

4. The safety of persons within the territorial limits of the City of Newport Beach is in extreme peril based on the existence or threatened existence of COVID-19, within and/or around the City of Newport Beach;

5. The response to the declared State of Emergency and guidance from Governor Newsom, may be beyond the control of the services, personnel, equipment, and facilities of the City of Newport Beach and may require the combined forces of other political subdivisions and other agencies to combat; and

6. That the City Council of the City of Newport Beach is not in session.

NOW, THEREFORE, BE IT PROCLAIMED that a local emergency now exists within the City of Newport Beach.

PURSUANT TO THE AFORESAID PROCLAMATION, THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NEWPORT BEACH HEREBY PROMULGATES AND ISSUES THE FOLLOWING ORDER AND REGULATION:

1. No person shall enter, be within, or remain within, any building or area within the

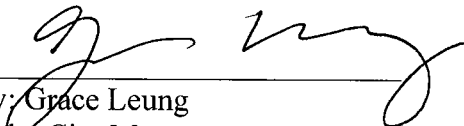
City of Newport Beach after receiving a written or oral order to either not enter or to leave such building or area from a peace officer.

2. A violation of Section 1 of this emergency order and regulation shall be a misdemeanor punishable pursuant to Section 2.20.100 and/or Section 1.04.010 of the Newport Beach Municipal Code.

3. All peace officers are hereby authorized to enforce the above emergency order and regulation and to arrest any persons who do not obey said order and regulation.

This proclamation is in effect beginning at 4:00 p.m. on March 15, 2020 and shall continue in full force and effect until rescinded or amended, or until the local emergency is proclaimed terminated.

Dated: March 15, 2020



By: Grace Leung
Title: City Manager