

NB-39

March 10, 2020

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a resolution to ratify the City Manager's Proclamation of Local Emergency and ratify the Long Beach Health Officer's Declaration of Local Health Emergency regarding the serious and imminent threat of an outbreak of novel coronavirus (COVID-19).
(Citywide)

DISCUSSION

A novel coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province in China in December 2019. On January 30, 2020, the World Health Organization declared COVID-19 a public health emergency of international concern. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared the COVID-19 global outbreak a public health emergency for the United States. The Centers for Disease Control and Prevention announced on February 26, 2020, that community spread of COVID-19 is likely to occur in the United States.

On March 4, 2020, the City Public Health Officer issued a Declaration of Local Health Emergency (Declaration) (Attachment A) and the Acting City Manager issued a Proclamation of Local Emergency (Proclamation) (Attachment B). Both the Declaration and Proclamation were issued in response to the international COVID-19 outbreak and the ongoing risk and potential for widespread community transmission of COVID-19 occurring among the general public in the United States, and the imminent and proximate threat of introduction of COVID-19 in the City of Long Beach.

While the current, local situation remains stable and there are currently no cases of COVID-19 in Long Beach, today's recommended actions will provide the City additional powers to coordinate local efforts and identify resources that may be necessary to fully address the response, in the event that the situation evolves.

What is known at this time is that the virus is spread between people primarily via respiratory droplets produced when an infected person coughs or sneezes. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death. Based on the experience with other coronaviruses that cause severe respiratory illness, the U.S. Centers for Disease Control and Prevention (CDC) currently believes that symptoms appear two (2) to fourteen (14) days after exposure.

State and local law require that any declaration or proclamation of local emergency and/or local health emergency are ratified by the City Council within seven (7) days of issuance.

HONORABLE MAYOR AND CITY COUNCIL

March 10, 2020

Page 2

On March 4, 2020, California Governor 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. The Governor's proclamation waives the requirement under State law to renew a local health emergency and a local emergency for the duration of the statewide emergency.

However, if the Declaration and Proclamation are ratified by the City Council today, the City Council must review the need for a continuing the local emergency every fourteen (14) days pursuant to Long Beach Municipal Code Chapter 2.69, unless waived by the City Council. Both a local emergency and local health emergency must be terminated at the earliest possible date as the conditions warrant.

Today's action requests the City Council to ratify, and find that there is a continuing need for, both the Declaration and Proclamation. If approved, the City Council's ratification of the Declaration and Proclamation will (1) further ensure legal immunities for emergency actions taken by the City; (2) facilitate requests by the City and other local governments for State and Federal assistance under the State and Federal Disaster Assistance Programs; and (3) allow the City Manager, or authorized official, to take preventive measures necessary to protect and preserve public health and safety.

This matter was reviewed by Deputy City Attorney Taylor M. Anderson on March 6, 2020.

TIMING CONSIDERATIONS

City Council action is requested on March 10, 2020 to comply with State law.

FISCAL IMPACT

The estimated costs in responding to COVID-19 are unknown and will vary based on future outbreak. Current City costs are being covered by existing department appropriations. Staff will pursue federal and State reimbursement for all City costs incurred.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



HEALTH AND HUMAN SERVICES

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

DECLARATION OF A LOCAL HEALTH EMERGENCY
REGARDING NOVEL CORONAVIRUS (COVID-19)
BY CITY HEALTH OFFICER

WHEREAS, California Health and Safety Code section 101080 authorizes a local health officer to declare a local health emergency within the health officer's jurisdiction, whenever the local health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent; and

WHEREAS, California Health and Safety Code section 101040 authorizes the local health officer to take any preventive measure that may be necessary to protect the public and preserve public health from any public health hazard during an emergency; and

WHEREAS, the Health Officer of the City of Long Beach makes the following findings:

Coronavirus Disease 2019, a new communicable disease, was first detected in Wuhan City, Hubei Province, China in December 2019. COVID-19 has since spread globally to over 70 countries, infecting more than 90,000 persons and killing more than 3,000 individuals. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services, Alex M. Azar II, declared a Public Health Emergency to aid the nation in responding to COVID-19.

To combat the spread of COVID-19, the counties of Orange, Los Angeles, Santa Clara, San Diego, Sonoma, and the City and County of San Francisco have each declared local health emergencies and proclaimed local emergencies.

In the surrounding jurisdictions of Los Angeles County and Orange County, there have been confirmed cases of COVID-19, with additional test results pending. All cases are linked to known exposures. This will likely increase in the future.

The above facts raise the likelihood of widespread community transmission occurring among the public in the United States and the need for the City of Long Beach and the public to work cooperatively and proactively to slow the spread of COVID-19 and address any challenges that may arise due to this disease in the City.

WHEREAS, the Centers for Disease Control and Prevention announced on February 26, 2020, that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and likelihood of COVID-19 positive patients being identified in the City of Long Beach; and

NOW, THEREFORE, the City of Long Beach Health Officer hereby declares that a local health emergency now exists in the City; and does further find that there is an imminent and proximate threat to public health from the introduction of COVID-19 in the City of Long Beach.

This declaration shall remain in effect for no longer than seven (7) days unless hereafter ratified by the City of Long Beach City Council, and shall be reviewed by the City Council at least every thirty (30) days until the local health emergency is terminated.

Date: march 4, 2020

Time: 3⁰⁰pm

Anissa Davis
Anissa Davis, M.D., M.P.H.
City Health Officer
City of Long Beach

CITY OF LONG BEACH
STATE OF CALIFORNIA
PROCLAMATION OF A LOCAL EMERGENCY
BY CITY MANAGER

WHEREAS, Chapter 2.69 of the Long Beach Municipal Code empowers the City Manager of the City of Long Beach ("City Manager") to proclaim the existence or threatened existence of a local emergency when said City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the Health Officer of the City of Long Beach made the following findings:

Coronavirus Disease 2019 (COVID-19), a new communicable disease, was first detected in Wuhan City, Hubei Province, China in December 2019. COVID-19 has since spread globally to over 70 countries, infecting more than 90,000 persons and killing more than 3,000 individuals. Symptoms of the virus include fever, cough, and shortness of breath, and infected individuals have experienced a range of outcomes, from mild sickness to severe illness and death. On January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services, Alex M. Azar II, declared a Public Health Emergency to aid the nation in responding to COVID-19.

To combat the spread of COVID-19, the counties of Orange, Los Angeles, Santa Clara, San Diego, Sonoma, and the City and County of San Francisco have each declared local health emergencies and proclaimed local emergencies.

In the surrounding jurisdictions of Los Angeles County and Orange County, there have been confirmed cases of COVID-19, with additional test results pending. All cases are linked to known exposures. This will likely increase in the future.


The above facts raise the potential for widespread community transmission of COVID-19 occurring among the general public in the United States and the need for the City of Long Beach and the public to work cooperatively and proactively to slow the spread of COVID-19 and address any challenges that may arise due to any outbreak of this disease in the City.

WHEREAS, these conditions, if fully manifested, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the City Council is not in session and cannot immediately be called into session; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City of Long Beach, and that there is an imminent and proximate threat of introduction of COVID-19 in the City of Long Beach and a threat to the public health of City residents and/or visitors; and

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by local ordinances and regulations, including, but not limited to, Chapters 2.69 and 2.85 of the Long Beach Municipal Code, and any other applicable resolutions of this City; and that this emergency proclamation shall expire seven (7) days after issuance unless confirmed and ratified by the City Council in accordance with Long Beach Municipal Code section 2.69.060; and that the City Council shall review at least every fourteen (14) days the continuing need for this Proclamation of a local emergency.

Dated: 3/4/20 By: 
Thomas B. Modica, Acting City Manager
City of Long Beach

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO IMMINENT AND PROXIMATE THREAT TO PUBLIC HEALTH FROM THE INTRODUCTION OF NOVEL CORONAVIRUS (COVID-19) IN THE CITY, AND RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY BY THE CITY MANAGER AND RATIFYING THE DECLARATION BY THE CITY HEALTH OFFICER OF A LOCAL HEALTH EMERGENCY

WHEREAS, California Government Code Section 8630, California Health and Safety Code 101080, and Long Beach Municipal Code Section 2.69.060 empowers the City Council to proclaim the existence of a local emergency to protect and preserve public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, the City Council finds that the current confirmed cases of Novel Coronavirus (COVID-19) internationally, including California and multiple areas of the United States, have prompted the federal government to declare that a public health emergency exists nationwide; and

WHEREAS, the Centers for Disease Control and Prevention announced on February 26, 2020, that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, based on the Centers for Disease Control and Prevention statements, there is an ongoing risk and probability of COVID-19 positive patients being identified in the City of Long Beach; and

WHEREAS, the City Council finds that the increase of reported cases and deaths associated with COVID-19 has also prompted the Governor of the State of

1 California, Washington, and Florida to proclaim a state emergency, and Counties of Los
2 Angeles County, Orange, Santa Clara, San Diego, Sonoma, the City and County of San
3 Francisco, the City of Pasadena, to each proclaim a local emergency; and

4 WHEREAS, as a consequence, the City Health Officer of the City of Long
5 Beach did declare a local health emergency within the City on March 4, 2020; and

6 WHEREAS, as a consequence, the City Manager of the City of Long Beach
7 did proclaim a local emergency within the City on March 4, 2020; and

8 WHEREAS, the City Council finds that that newly identified COVID-19 is an
9 infectious and communicable disease, which creates a condition of extreme peril to the
10 health and safety of persons within the City, and which is likely to be beyond the ability
11 and resources of the City to control; and

12 WHEREAS, a declaration of a local emergency will assist in a coordinated
13 public health response to reduce transmission and illness severity, provide assistance to
14 health care providers, and mitigate the effects of this potential pandemic on the citizens
15 of the City; and

16 WHEREAS, the conditions and circumstances described above warrant and
17 necessitate that the City proclaim the existence of a local emergency; and

18 WHEREAS, the City Council desires to declare a local emergency and to
19 ratify the declaration of a local health emergency by the City Health Officer, and to ratify
20 the proclamation of local emergency by the City Manager, and to authorize the City
21 Manager to enter into any necessary agreements to obtain any emergency assistance to
22 implement necessary intervention activities to prevent a threatened epidemic of disease
23 in the community;

24 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
25 follows:

26 Section 1. Pursuant to California Government Code Section 8630 and
27 Long Beach Municipal Code Section 2.69.060, the City Council hereby finds and
28 proclaims the existence of a local emergency caused by conditions or threatened

1 conditions of Novel Coronavirus (COVID-19) in Long Beach which, if not corrected,
2 constitutes a threatened epidemic with its resultant morbidity and mortality to the extreme
3 peril of health and safety of persons within the territorial limits of the City.

4 Section 2. Pursuant to Section 101080 of the California Health and
5 Safety Code, the City Council hereby ratifies the declaration by the City Health Officer of
6 a local health emergency in the City of Long Beach resulting from the presence or
7 potential presence of individuals susceptible to Novel Coronavirus (COVID-19) which, if
8 intervention measures are not instituted, pose a threat of an epidemic of said disease in
9 the community. The City Health Officer is authorized to take the necessary intervention
10 measures to protect and preserve the public health from said public health hazard.

11 Section 3. The City Manager is hereby authorized to furnish information,
12 to enter into agreements and to take all actions necessary to obtain State emergency
13 assistance to implement preventive measures to protect and preserve the public health of
14 the City from said public health hazard within the scope of the local emergency hereby
15 declared.

16 Section 4. The City Clerk shall certify to the passage of this resolution by
17 the City Council of the City of Long Beach and it shall thereupon take effect. The
18 requirement to renew a local health emergency pursuant to California Health and Safety
19 Code 101080, and the requirement to renew a local emergency pursuant to California
20 Government Code Section 8630, has been waived for the duration of the statewide
21 emergency by the Governor of the State of California in his Proclamation of a State of
22 Emergency dated March 4, 2020. In accordance with the provisions of Long Beach
23 Municipal Code Chapters 2.69 and 2.85, the City Clerk shall include the matter of the
24 necessity for continuing the local emergency and the local health emergency on the City
25 Council agenda for review at least every fourteen (14) days until the City Council
26 terminates said local emergency and local health emergency.

27 Section 5. This resolution shall take effect immediately upon its adoption
28 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
411 West Ocean Boulevard, 9th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2020 by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Recusal(s): Councilmembers: _____

City Clerk



City of Long Beach Memorandum
Working Together to Serve

REQUEST TO ADD AGENDA ITEM

Date: March 6, 2020
To: Monique De La Garza, City Clerk
From: Thomas B. Modica, Acting City Manager
Subject: Request to Add Agenda Item to Council Agenda of March 10, 2020

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Declaration of Local Health Emergency regarding the serious and imminent threat of an outbreak of novel coronavirus (COVID-19)

Council District	Authorizing Councilmember	Signed by
4	Daryl Supernaw	Tom for Daryl Supernaw
3	SUZIE PRICE	Suzie Price
6	Dee Andrews	Tom for Dee Andrews

Attachment: Staff Report dated March 10, 2020

cc: Office of the Mayor