

# CITY OF LONG BEACH **NB-33**

DEPARTMENT OF HEALTH AND HUMAN SERVICES

2525 GRAND AVENUE • LONG BEACH, CALIFORNIA 90815 • (562) 570-4000 • FAX: (562) 570-4049

May 5, 2009

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Recommendation to adopt the attached Resolution proclaiming a local emergency under California Government Code Section 8630 and authorizing the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control, and ratifying the declaration of a local health emergency issued by the City Health Officer under California Health and Safety Code Section 101080. (Citywide)

## DISCUSSION

On April 29, 2009, Helene Calvet, M.D., in her capacity as City Health Officer for the City of Long Beach, declared a local health emergency as a consequence of confirmed cases of Swine Influenza A (swH1N1) in Mexico, California, and multiple areas of the United States (Attached). Dr. Calvet issued this declaration pursuant to the authority vested in her under California Health and Safety Code Section 101080, after consultation with public health officials and upon determining that a health emergency exists in Long Beach involving Swine Influenza A that affects, or has significant potential to negatively affect, the public's health.

Under State law, however, this declaration must be ratified by the City Council within seven (7) days. The attached Resolution ratifies the City Health Officer's declaration of local health emergency issued on April 29, 2009. In addition, the Resolution proclaims the existence of a local emergency under California Government Code Section 8630 and authorizes the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control. The City Council must review the continuing need for the emergency at least every fourteen (14) days and proclaim the termination of the emergency at the earliest date that conditions warrant. Since this strain of flu is new and there is no preventive based vaccine yet developed to prevent the spread in the community, a continuing state of emergency is necessary in order for the City Health Officer to take emergency measures to control the spread of this flu, such as requesting medical supplies from the Federal Strategic National Stockpile.

This matter was reviewed by Deputy City Attorney Linda Trang on April 30, 2009 and by Budget and Performance Management Bureau Manager David Wodynski on April 30, 2009.

TIMING CONSIDERATIONS

City Council action is requested on May 5, 2009 to adopt the Resolution declaring a local emergency, and ratifying the City Health Officer's declaration of local health emergency concerning Swine Influenza A control.

FISCAL IMPACT

There will be no fiscal impact associated with the requested action.

SUGGESTED ACTION:

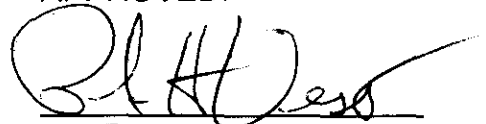
Approve recommendation.

Respectfully submitted,



RONALD R. ARIAS  
DIRECTOR  
HEALTH AND HUMAN SERVICES

APPROVED:



PATRICK H. WEST  
CITY MANAGER

Attachments: Resolution  
Declaration of Local Health Emergency by City Health Officer

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th 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 SWINE INFLUENZA A (SWH1N1) CASES, AND RATIFYING THE DECLARATION BY THE CITY HEALTH OFFICER OF A LOCAL HEALTH EMERGENCY

WHEREAS, Section 8630 of the California Government Code 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 Swine Influenza A (swH1N1) in Mexico, California and multiple areas of the United States, have prompted the federal government to determine that a public health emergency exists nationwide which affects or has the significant potential to affect national security; and

WHEREAS, the City Council finds that the increase of reported cases has also prompted the Governor of the State of California to proclaim a state of emergency, and the Los Angeles County Board of Supervisors to proclaim a local emergency; and

WHEREAS, as a consequence of this condition and a "probable positive" test for Swine Influenza A on a resident in the City, the City Health Officer of the City of Long Beach did declare a local health emergency within the City on April 29, 2009; and

WHEREAS, the City Council finds that that newly identified Swine Influenza A virus is an infectious and communicable disease, which creates a condition of extreme peril to the health and safety of persons within the City, and which is likely to be beyond the ability and resources of the City to control; and

WHEREAS, a declaration of a local emergency will assist in a coordinated

1 public health response to reduce transmission and illness severity, provide assistance to  
2 health care providers, and mitigate the effects of this potential pandemic on the citizens  
3 of the City; and

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

6 WHEREAS, the City Council desires to declare a local emergency and to  
7 ratify the declaration of a local health emergency by the City Health Officer, and to  
8 authorize the City Manager to enter into any necessary agreements with the State of  
9 California to obtain any emergency assistance to implement necessary intervention  
10 activities to prevent a threatened epidemic of disease in the community;

11 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
12 follows:

13 Section 1. Pursuant to Section 8630 of the California Government Code,  
14 the City Council hereby finds and proclaims the existence of a local emergency caused  
15 by conditions or threatened conditions of Swine Influenza A (swH1N1) in Long Beach  
16 which, if not corrected, constitutes a threatened epidemic with its resultant morbidity and  
17 mortality to the extreme peril of health and safety of persons within the territorial limits of  
18 the City.

19 Section 2. Pursuant to Section 101080 of the California Health and  
20 Safety Code, the City Council hereby ratifies the declaration by the City Health Officer of  
21 a local health emergency in the City of Long Beach resulting from the presence or  
22 potential presence of individuals susceptible to Swine Influenza A (swH1N1) which, if  
23 intervention measures are not instituted, pose a threat of an epidemic of said disease in  
24 the community. The City Health Officer is authorized to take the necessary intervention  
25 measures to protect and preserve the public health from said public health hazard.

26 Section 3. The City Manager is hereby authorized to furnish information,  
27 to enter into agreements and to take all actions necessary to obtain State emergency  
28 assistance to implement preventive measures to protect and preserve the public health of

1 the City from said public health hazard within the scope of the local emergency hereby  
2 declared.

3 Section 4. The City Clerk shall certify to the passage of this resolution by  
4 the City Council of the City of Long Beach and it shall thereupon take effect. In  
5 accordance with the provisions of Section 8630 of the California Government Code and  
6 Section 101080 of the California Health and Safety Code, the City Clerk shall include the  
7 matter of the necessity for continuing the local emergency and the local health  
8 emergency on the City Council agenda for review at least every fourteen (14) days until  
9 the City Council terminates said local emergency and local health emergency.

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

12 I hereby certify that the foregoing resolution was adopted by the City  
13 Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_ by the  
14 following vote:

15  
16 Ayes: Councilmembers: \_\_\_\_\_

17 \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 Noes: Councilmembers: \_\_\_\_\_

21 \_\_\_\_\_

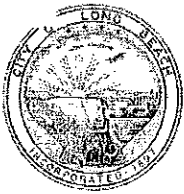
22 Absent: Councilmembers: \_\_\_\_\_

23 \_\_\_\_\_

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26 \_\_\_\_\_  
City Clerk

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
2525 Grand Avenue, Long Beach, California 90815 (562) 570-4047 FAX (562) 570-4049

## DECLARATION OF LOCAL HEALTH EMERGENCY BY THE CITY HEALTH OFFICER FOR THE CITY OF LONG BEACH

**WHEREAS**, cases of Swine Influenza A (swH1N1) in Mexico, California, and multiple areas of the United States have been confirmed; and

**WHEREAS**, as a consequence of the reported outbreak of numerous cases of non-seasonal influenza, the United States Department of Health and Human Services has declared a public health emergency, the Governor of the State of California has proclaimed a state of emergency, and the Los Angeles County Board of Supervisors has proclaimed a local emergency; and

**WHEREAS**, the Department of Health and Human Services of the City of Long Beach has consulted with public health officials as necessary, and finds there is an imminent and proximate threat of the introduction of contagious, infectious and communicable disease into Long Beach;

**NOW, THEREFORE, I, Helene Calvet, M.D.**, City Health Officer for the City of Long Beach, Department of Health and Human Services, pursuant to the authority vested in me by the Local Pandemic and Emergency Health Preparedness Act of 2006, and in particular California Health and Safety Code section 101080, determine that a health emergency exists in Long Beach involving Swine Influenza A that affects or has significant potential to negatively affect the public's health and **HEREBY DECLARE A LOCAL HEALTH EMERGENCY** in the City of Long Beach.

This Declaration shall take effect immediately and remain in effect for a period of seven (7) days from the date hereof, until ratified by the City Council of the City of Long Beach, or unless sooner terminated.

Signed,


Dated: April 29, 2009

Helene Calvet, M.D.  
City Health Officer



**City of Long Beach Memorandum**  
Working Together to Serve

## REQUEST TO ADD AGENDA ITEM

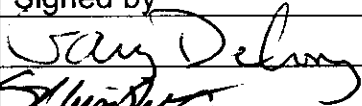
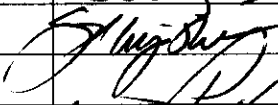
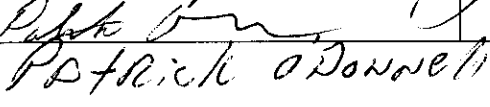
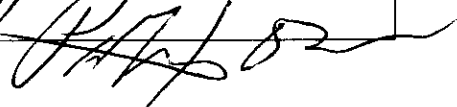
**Date:** April 29, 2009  
**To:** Larry Herrera, City Clerk  
**From:** Patrick H. West, City Manager   
**Subject:** Request to Add Agenda Item to Council Agenda of May 5, 2009

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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 under New Business via the supplemental agenda.

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

Recommendation to adopt the attached Resolution proclaiming a local emergency under California Government Code Section 8630 and authorizing the City Manager to execute any necessary agreements with the State of California for Swine Influenza A (swH1N1) control, and ratifying the declaration of a local health emergency issued by the City Health Officer under California Health and Safety Code Section 101080. (Citywide)

Council District	Authorizing Councilmember	Signed by
3 <sup>RD</sup> DISTRICT	GARY DELONG	
5 <sup>TH</sup> DISTRICT	GERIE SCHIPSKA	
4 <sup>TH</sup> DISTRICT	 PATRICK O'DONNELL	

Attachment: May 5, 2009 Local Emergency Council Letter  
April 29, 2009, Declaration of Local Health Emergency

cc: Office of the Mayor