

RESOLUTION NO. ____-2020

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL RATIFYING
THE DIRECTOR OF EMERGENCY SERVICES' EMERGENCY ORDER NO. 1
REITERATING THE MENDOCINO COUNTY HEALTH OFFICER'S FACIAL
COVERING ORDER AND ESTABLISHING ADMINISTRATIVE PENALTIES FOR
VIOLATIONS**

WHEREAS, California Government Code section 8630 empowers the Fort Bragg City Council to proclaim the existence of a local emergency when the City is threatened or likely to be threatened by the conditions of extreme peril to the safety of persons and property that are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City; and

WHEREAS, California Government Code section 8558(c) states that a "local emergency" means the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city; and

WHEREAS, COVID-19, a novel coronavirus causing infectious disease, was first detected in China in December 2019 and has spread across the world and to the United States. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Centers for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation declaring the COVID-19 outbreak in the United States as a national emergency, beginning March 1, 2020; and

WHEREAS, on March 12, 2020, Governor Newsom, in response to the COVID-19 pandemic and state of emergency proclamation, issued Executive Order N-25-20, ordering residents to "heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19"; and

WHEREAS, on March 17, 2020 the City Manager, as the City's Director of Emergency Services, issued Proclamation No. CM-2020-01 declaring a local emergency as authorized by Government Code section 8630 and Fort Bragg Municipal Code section 2.24.040(B); and

WHEREAS, at a special meeting on March 24, 2020, the City Council of the City of Fort Bragg adopted Resolution No. 4242-2020, ratifying the City Manager's Proclamation declaring the existence of a local emergency and pursuant to the Fort Bragg Municipal Code, the City Council confirmed the continued existence of a local emergency on April 6, 2020, April 20, 2020, May 11, 2020, May 26, 2020, June 8, 2020, June 22, 2020, July 13, 2020, and July 27, 2020; and

WHEREAS, a violation of the Governor's Executive Order N-25-20 is a misdemeanor pursuant to Government Code section 8665; and

WHEREAS, a violation of the County Health Officer's orders made to control the spread of COVID-19, including but not limited to the shelter-in-place order issued on March 24, 2020 and all subsequent orders, is a violation of the Governor's Executive Order N-25-20; and

WHEREAS, California Health and Safety Code sections 120275 and 120295 make it a misdemeanor to violate certain sections of the Health and Safety Code, including requirements that individuals comply with health orders to facilitate isolation to control the spread of COVID-19; and

WHEREAS, violations of the orders of Public Health Officers related to the control of the spread of COVID-19 present an immediate threat to the public peace, health and safety in increasing the spread of COVID-19 throughout the County and City in a manner that may overwhelm the healthcare systems and lead to sickness and death that could otherwise be reduced through compliance with the Health Officers' orders; and

WHEREAS, on May 11, 2020, the Fort Bragg City Council adopted Urgency Ordinance No. 961-2020 establishing administrative penalties for violations of the Mendocino County Health Officer's COVID-19 Pandemic Orders; and

WHEREAS, on June 18, 2020, the California Department of Public Health released guidance which requires all persons in California to wear facial coverings in certain public settings; and

WHEREAS, the Mendocino County Health Officer, in her most recent facial covering order dated July 2, 2020, has required all persons to wear facial coverings in certain public settings; and

WHEREAS, the City receives regular reports of persons failing to wear a facial covering while in public as required by the health orders, which when factual, increases the risk of spreading COVID-19; and

WHEREAS, Fort Bragg can increase compliance with the Facial Covering orders and reduce the risk of COVID-19 spread by expanding its enforcement capacity and increasing penalties for violations of the Mendocino County Health Officer's COVID-19 Orders; and

WHEREAS, on July 27, 2020 during its regularly scheduled meeting, the Fort Bragg City Council directed the City Manager to issue an Emergency Order establishing specific penalties for each violation of the Mendocino County Health Officer's Facial Covering Order and providing the Enforcement Officer discretion as to whether to issue a Notice of Violation that provides twenty-four (24) hours to abate the violation or a Citation for the Violation, without notice; and

WHEREAS, the City Manager is the Director of Emergency Services in the City of Fort Bragg, California. The Fort Bragg Municipal Code, Section 2.24.070 empowers the Director of Emergency Services during a local emergency to issue orders and make rules and regulations on matters reasonably related to protecting life and property and preserving safety; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, on July 29, 2020 the City Manager, as the City's Director of Emergency Services, issued Emergency Services Order No. 1, pursuant to Chapter 2.24 of the Fort Bragg Municipal Code, Fort Bragg City Council Resolution No. 4242-2020, and the California Emergency Services Act, Chapter 7, (commencing with Section 8550) of Title 2 of the Government Code. A true and correct copy of City of Fort Bragg Emergency Services Order No. 1 is attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Bragg as follows:

- A. The recitals set forth above are true and correct and are incorporated into this Resolution by reference.
- B. The City Manager, as the Director of Emergency Services of the City of Fort Bragg, California Emergency Order No. 1 dated July 29, 2020, and orders contained therein, is hereby confirmed and ratified.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a special meeting of the City Council of the City of Fort Bragg held on the 10th day of August, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk