

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2020-140**

**RESOLUTION RATIFYING THE CITY MANAGER/DIRECTOR OF  
EMERGENCY SERVICES PROCLAMATION OF EXISTENCE OF A LOCAL  
EMERGENCY IN RESPONSE TO THE CORONAVIRUS (COVID-19), DATED  
MARCH 13, 2020**

WHEREAS, California Government Code section 8630 and Modesto Municipal Code section 3-4.06 authorize the Director of Emergency Services for the City of Modesto to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of extreme peril to the safety of persons and property within the City, and

WHEREAS, Section 8558 of the Government Code defines a local emergency as including an epidemic, and

WHEREAS, Section 3-4.05 of the Modesto Municipal Code designates the City Manager as the Director of Emergency Services, and

WHEREAS, the novel coronavirus (named “SARS-CoV-2” which causes the COVID-19 disease) was first detected in Wuhan City, Hubei Province, China in December of 2019, is now considered to be a serious global public health threat, and

WHEREAS, 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 even death, and

WHEREAS, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. Based on scientific evidence and best practices, the most effective way to

slow the transmission of communicable diseases generally and COVID-19 specifically, is to limit interactions among people to the greatest extent possible, and

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak a “public health emergency of international concern”, and

WHEREAS, on January 31, 2020, the United States Department of Public Health and Human Services Secretary declared a public emergency for COVID-19, and on March 4, 2020 the Governor of the State of California proclaimed a State of Emergency, and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a pandemic, and

WHEREAS, on March 11, 2020, the Stanislaus County Public Health Officer declared a local health emergency, and

WHEREAS, on March 12, 2020, March 15, 2020 and March 16, 2020, Governor Gavin Newsom issued new executive orders further enhancing state and local government’s ability to respond to COVID-19 Pandemic, and

WHEREAS, on March 13, 2020, the County of Stanislaus Director of Emergency Services proclaimed a Local Emergency due to the threat of COVID-19 in the County, and

WHEREAS, on March 13, 2020, the President of the United States, Donald Trump, declared a state of national emergency in response to the COVID-19 outbreak, and

WHEREAS, as of March 13, 2020, it has been reported that COVID-19 has spread to over 90 countries including many parts of the United States, including the City of Modesto, and

WHEREAS, on March 13, 2020, the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Modesto in response to COVID-19. The proclamation was pursuant to Modesto Municipal Code section 3-4.06, however, the City Council must ratify that declaration within seven (7) days or the declaration of local emergency will not be effective thereafter, and

WHEREAS, the declaration enables the City to more effectively respond to the outbreak, and potentially obtain reimbursement for the response, and

WHEREAS, the City may require additional assistance in the future, and a formal declaration of emergency allows additional resources to flow to the City in a timely fashion. The declaration of emergency also allows needed flexibility in staffing decisions and steps needed to continue to deliver essential services and to protect the City's residents, and

WHEREAS, there will be costs associated with City's emergency response, however the approval of the proclamation of a Local Emergency by the City Council has no direct cost impact and may enable potential external sources for reimbursement to costs associated with the city's emergency response.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby ratifies the Proclamation of the Existence of a Local Emergency issued by the City Manager in his capacity as Director of Emergency Services, dated March 13, 2020, **attached** to this Resolution as **Exhibit A**.

BE IT FURTHER RESOLVED, that because a substantial threat to public health and safety exists that has a substantial likelihood that serious harm will be experienced unless immediate action is taken, the City has altered or ceased certain services other than essential services in response to this emergency. The City Manager is authorized to take any lawful personnel action that protects the health and safety of the workforce or the community. The City is authorized to postpone and/or delay any associated meet and confer obligations when taking actions in response to the emergency.

BE IF FURTHER RESOLVED, that the Council of the City of Modesto advises residents to stay in their home from March 19, 2020 to April 6, 2020, however, it is not mandatory. This means individuals should stay at home to the maximum extent feasible, and practice social distancing when not at home. Social distancing involves maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes, regularly cleaning high-touch surfaces, and not shaking hands.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to carry out executive orders and guidance provided by the State and Federal governments as deemed necessary.

BE IT FURTHER RESOLVED, that the City Manager or his designee is hereby authorized to undertake the following actions:

(i) Return any City fees collected for events at City facilities that have been cancelled due to the COVID-19 outbreak;

(ii) To identify locations that could potentially be used by health care providers or other entities to combat the COVID-19 outbreak;

(iii) Prepare policy and procedures to conduct City Council meetings telephonically or through another electronic means in compliance with the Governor's Executive Orders; and

(iv) Explore potential resources available to the City to potentially minimize the financial impact to our citizens and businesses during this emergency.

BE IT FURTHER RESOLVED, that said local emergency shall be deemed as continuing to exist until proclaimed otherwise by the City Manager/Director of Emergency Services and the City Council.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 19<sup>th</sup> day of March, 2020, by Councilmember Zoslocki, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \_\_\_\_\_  
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY: \_\_\_\_\_  
JOSE M. SANCHEZ, Acting City Attorney