



CITY OF COSTA MESA

77 Fair Drive
Costa Mesa, CA 92626

Agenda Report

File #: 23-1133

Meeting Date: 3/21/2023

TITLE:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING THE TERMINATION OF THE LOCAL STATE OF EMERGENCY DECLARED BY PROCLAMATION 2020-01 AND RATIFIED BY RESOLUTION NO. 2020-09, RESCINDING RESOLUTION NO. 2020-09 AND RESOLUTION NO. 2021-24

DEPARTMENT: CITY ATTORNEY'S OFFICE/CITY MANAGER'S OFFICE

PRESENTED BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

CONTACT INFORMATION: KIMBERLY HALL BARLOW, CITY ATTORNEY, (714) 754-5399

RECOMMENDATION:

Staff recommends the City Council adopt Resolution No. 2023-XX to terminate the City's State of Emergency related to the COVID-19 Pandemic and certain related emergency actions.

BACKGROUND:

A novel coronavirus (COVID-19) was first detected in Wuhan City, Hubei Province in China in December 2019. Since then, on January 30, 2020, the World Health Organization declared COVID-19 a public health emergency of international concern. Further, on March 11, 2020, the World Health Organization elevated the public health emergency to the status of a pandemic. On January 31, 2020, former United States Health and Human Services Secretary Alex M. Azar II declared this global outbreak a public health emergency for the United States. The County of Orange declared a local emergency and a local health emergency on February 26, 2020. The State of California proclaimed a State of Emergency on March 4, 2020. On March 12, 2020 the City Manager, as the City's Director of Emergency Services, issued Proclamation No. 2020-01 declaring a local emergency to protect public health and slow transmission of COVID-19. By Resolution 2020-09, the City Council ratified the Proclamation on March 13, 2020, which remains in effect.

On March 13, 2020, the President of the United States of America declared a national emergency.

The State's declared State of Emergency continued throughout 2021, 2022 and through February 28, 2023, when the State Emergency for California ended by order of Governor Newsom. Throughout the state of emergency, the City Manager has issued a variety of regulations relating to the emergency, which have been ratified by the City Council.

With the State's emergency declaration ending, City Council is requested to end the City's State of Emergency and various actions adopted during the emergency as more particularly described below.

ANALYSIS:

The City Manager, as Director of Emergency Services, has determined that the need for the City to be in a State of Emergency has ceased, and therefore requests the City Council to declare the termination of the State of Emergency. While the regulations adopted by the City Manager, and approved by the City Council, have already been terminated or ended by operation of law, there are a few items that should be noted as they will terminate upon termination of the State of Emergency by their own terms, or they should be included in the Council action.

Regulations number 1, 6, and 8, and Urgency Ordinance 2020-11, 2020-18, 2020-19 have previously been terminated. Regulations No. 2, 3, 4, 5, and 7 (as well as portions of Ordinance 2020-11) were superseded by state law or subsequent Council action. The following Regulations and Ordinances will expire on their own terms when the local emergency is declared over: Urgency Ordinance No. 2020-09, and Ordinance No. 2020-12 (both relating to suspension of the 30 day stay limit at motels/hotels), and Urgency Ordinance No. 2020-13 (food distribution). Resolution 2021-24, which requires compliance with the most stringent of federal, state or county guidance with respect to mask requirements regarding COVID-19 has no expiration date specified. Urgency Ordinance 2022-08 relating primarily to outdoor dining is scheduled to expire of its own terms on December 31, 2023; however, at its recent Strategic Planning Session, the City Council directed staff to return with a report for possible action to extend that ordinance for a longer time period to allow staff to focus on other planning and zoning priorities. Finally, Council is requested to repeal Resolution No. 2020-09 which ratified the Declaration of Local Emergency.

ALTERNATIVES:

The Council could decline to end the local state of emergency or provide alternative direction to staff.

FISCAL REVIEW:

There is no fiscal impact from ending the local state of emergency at this time.

LEGAL REVIEW:

The City Attorney's Office has prepared this report and the attached resolution and approves them as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item supports the City Council Goal:

- Strengthen the Public's Safety and Improve the Quality of Life

CONCLUSION:

Staff recommends the City Council adopt Resolution No. 2023-xx repealing Resolution 2020-09 and Resolution No. 2021-24.