

**RESOLUTION NO. 2020-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, RATIFYING REGULATION NO. 1 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES TO CLOSE ALL CITY PARKS PURSUANT TO PROCLAMATION NO. 20-01 DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550, et seq., including Section 8558(c), authorize the City Council to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. 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 Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, as of March 12, 2020, the WHO reported that, to date, there are 125,048 confirmed cases of COVID-19, 4,613 of which resulted in death, across 117 countries; and

WHEREAS, in declaring a State of Emergency, the Governor indicated that, as of March 4, 2020, there were 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties in home monitoring based on possible travel-based exposure to the virus, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Public Health on March 11, 2020 issued a statement entitled "California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19," determining that gatherings should be postponed or canceled across the state until at least the end of March. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines. Furthermore, essential gatherings should only be conducted if the essential activity could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, *inter alia*, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, in March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 2020-9 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make

emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order No. N-33-20 that required all citizens, except for essential workers, to stay home with limited exceptions allowed to obtain essential services.

WHEREAS, the Centers for Disease Control and Prevention and the California Department of Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the stay at home order, as well as the suspension of all area schools, the parks and open spaces of the City have become crowded with residents to the point that required social distancing of at least six feet is not being observed; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary close contact; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Director of Emergency Services, on March 23, 2020, issued Regulation No. 1 immediately closing all City Parks and Open Spaces except for essential city personnel; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to ratify the Director of Emergency Service's regulation closing all city parks and open spaces related to protection of life and property.

- A. NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Costa Mesa that The City Manager's Regulation No. 1 issued on March 23, 2020 closing all City Parks and Open Spaces, which include parking lots, picnic shelters, playground and exercise equipment, and sports courts, except for the City's essential workers, pursuant to the Proclamation of

Local Emergency No. 2020-01 dated March 12, 2020 as ratified on March 13, 2020, is hereby ratified.

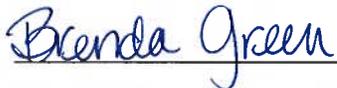
**PASSED, APPROVED AND ADOPTED this 24th day of March, 2020.**



\_\_\_\_\_  
Katrina Foley, Mayor

ATTEST:

APPROVED AS TO FORM:



\_\_\_\_\_  
Brenda Green, City Clerk



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Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 2020-13 and was duly passed and adopted by the City Council of the City of Costa Mesa at an emergency meeting held on the 24<sup>th</sup> day of March, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: CHAVEZ, MARR, REYNOLDS, FOLEY

NOES: COUNCIL MEMBERS: GENIS, MANSOOR, STEPHENS

ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 25<sup>th</sup> day of March, 2020.

  
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BRENDA GREEN, CITY CLERK

**CITY OF COSTA MESA REGULATION NO 1 PURSUANT TO  
PROCLAMATION NO. 2020-01**

**COSTA MESA REGULATION NO. 1 ISSUED PURSUANT TO A PROCLAMATION BY  
THE CITY MANAGER OF THE CITY OF COSTA MESA, CALIFORNIA, ACTING AS  
THE DIRECTOR OF EMERGENCY SERVICES, DECLARING THE IMMEDIATE  
CLOSURE OF ALL CITY PARKS AND OPEN SPACES EXCEPT FOR ESSENTIAL  
CITY PERSONNEL**

WHEREAS, Costa Mesa Municipal Code Section 6-6 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, Costa Mesa Municipal Code Section 12-19 empowers the City Manager as Director of Emergency Services to exclude the public from any park, square, avenue, grounds, or recreation center, or any part or portion thereof in an emergency until such emergency has ceased; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. 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 Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a “public health emergency of international concern” and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19. On February 26, 2020 the County of Orange

declared a local emergency and a local health emergency. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, in declaring a State of Emergency, the Governor indicated that, as of March 4, 2020, there were 129 confirmed cases of COVID-19 in the United States, including 53 in California, and more than 9,400 Californians across 49 counties in home monitoring based on possible travel-based exposure to the virus, with officials expecting the number of cases in California, the United States, and worldwide to increase; and

WHEREAS, the Governor and the California Department of Health on March 11, 2020 issued a statement entitled "California Public Health Experts: Mass Gatherings Should be Postponed or Canceled Statewide to Slow the Spread of COVID-19," determining that gatherings should be postponed or canceled across the state until at least the end of March. Non-essential gatherings must be limited to no more than 250 people, while smaller events can proceed only if the organizers can implement social distancing of 6 feet per person. Gatherings of individuals who are at higher risk for severe illness from COVID-19 should be limited to no more than 10 people, while also following social distancing guidelines. Furthermore, essential gatherings should only be conducted if the essential activity could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, in March 12, pursuant to Proclamation No. 2020-01, the City Manager did proclaim the existence of a local emergency pursuant to Title 6 of the Costa Mesa Municipal Code; and

WHEREAS, on March 13, 2020 the City Council pursuant to Resolution No. 2020-9 did ratify Emergency Proclamation No. 2020-01; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order No. N-33-20 that required all citizens, except for essential workers, to stay home with limited exceptions allowed to obtain essential services; and

WHEREAS, the Centers for Disease Control and Prevention and the California Department of Health have all issued recommendations including but not limited to social distancing, staying home if sick, cancelling or postponing large group events, working from home, and other precautions to protect public health and transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the stay at home order, as well as the suspension of all area schools, the parks and open spaces of the City have become crowded with residents to the point that required social distancing of at least six feet is not being observed; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary close contact.

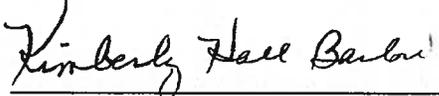
WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue this Regulation No. 1 pursuant to the emergency proclamation related to protection of life and property.

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Costa Mesa acting as the Director of Emergency Services as follows:

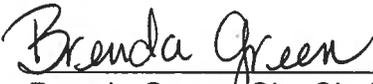
- A. All City Parks and Open Spaces are hereby closed, which include parking lots, picnic shelters, exercise equipment and sports courts, except for essential city personnel.
- B. Violation of this Regulation shall be punishable as set forth in Costa Mesa Municipal Code section 12-18.

**PROCLAIMED this 23th day of March, 2020.**

  
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Lori Ann Farrell Harrison, City Manager

  
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Kimberly Hall Barlow, City Attorney

ATTEST:

  
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Brenda Green, City Clerk