

**RESOLUTION NO. 2020-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, MODIFYING REGULATION NO. 1 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES TO CLOSE ALL CITY PARKS AND MODIFYING REGULATION NO. 3 REQUIRING WEARING OF FACE COVERINGS 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, 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, on 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. 2020-09 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

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>; 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 become crowded with residents to the point that required social distancing of at least six feet was not being observed; 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, on March 24, 2020, the City Council approved Resolution No. 2020-13 ratifying Regulation No. 1; and

WHEREAS, COVID-19 continues to spread in the City and in the County and is especially dangerous to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, while individuals are required to minimize trips from home except to perform or access essential services, there is a heightened risk of transmission of COVID-19 to those performing or accessing essential services outside of their residences; and

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

WHEREAS, on April 13, 2020, the Costa Mesa City Manager, in her capacity as Director of Emergency Services issued Regulation No. 3 expressly mandating the use of face masks or coverings by residents and those who visit within the jurisdiction of the City, and to make the same enforceable within the boundaries of the City's jurisdiction; and

WHEREAS, on April 21, 2020, the City Council approved Resolution No. 2020-17, ratifying Regulation No. 3 requiring the wearing of face masks; and

WHEREAS, as the length of the stay-at-home order has extended, many affected by the stay-at-home orders have requested an easing of restrictions on the use of public parks and golf courses for passive exercise so long as strict regulations are followed to ensure social distancing and minimize the transmission of COVID-19; 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 to issue this Regulation No. 4 to allow passive use of certain parks and golf courses, subject to strict requirements to minimize the risk of COVID-19 transmission pursuant to the emergency proclamation related to protection of life and property; 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 No. 4 to allow limited re-opening of certain parks and golf courses, subject to required safety rules designed to minimize the spread of COVID-19;

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Costa Mesa that The City Manager's Regulation No. 4 issued on April 28, 2020 allowing limited reopening of portions of most City Parks and golf courses, for passive activity only and in accordance with rules approved by the Costa Mesa Parks and Community Services Director, and the associated modification of Regulations No. 1 and No. 3 issued pursuant to the Proclamation of Local Emergency No. 2020-01, as previously ratified by this Council, is hereby ratified.

**PASSED, APPROVED AND ADOPTED this 5th day of May, 2020.**

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Katrina Foley, Mayor

ATTEST:

APPROVED AS TO FORM:

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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-\_\_ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 5<sup>th</sup> day of May, 2020, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 5<sup>th</sup> day of May, 2020.

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BRENDA GREEN, CITY CLERK

(SEAL)