

RESOLUTION NO. 2020-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SIMI VALLEY PROCLAIMING THE EXISTENCE OF A  
LOCAL EMERGENCY AND RATIFYING THE CITY  
MANAGER'S DECLARATION OF LOCAL EMERGENCY

WHEREAS, Pursuant to California Government Code a Special Meeting of the City Council of the City of Simi Valley was properly noticed and convened; and,

WHEREAS, California Government Code Section 8630 empowers the City Council to proclaim the existence or threatened existence of a Local Emergency when City is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the City Council to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Section 4-5.01 *et seq.* of the Simi Valley's Municipal Code, the Director of Emergency Services has declared the existence of a Local Emergency, and requests that the City ratify and proclaim the same; and,

WHEREAS, the City Council does hereby find that conditions of extreme peril and a crippling disaster which severely impairs the safety of persons or property have arisen within the City caused by the virus, COVID-19 and its rapid transmission as reported by the various local, state and national health organizations; and,

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a Local Emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council of the City of Simi Valley hereby proclaims the existence of a local state of emergency in the City of Simi Valley, pursuant to California Government Code Section 8630 and all other applicable law.

SECTION 2. The Proclamation and Order of a Local Emergency made on March 13, 2020 by the Director of Emergency Services is hereby ratified. (Exhibit 1)

SECTION 3. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law, by the existing ordinances and resolutions of the City of Simi Valley, this resolution and any subsequent emergency orders of the City Council, and any other local, state or federal laws providing powers, immunities or duties in such emergency.

**SECTION 4.** During the existence of said Local Emergency, City shall follow and impose all directives, mandates, Executive Orders and any other emergency related restrictions issued by the State of California and/or the County of Ventura, including social distancing and other preventative measures. The DES may impose more stringent requirements consistent with law.

**SECTION 5.** Until further notice, all non-essential City facilities with a capacity of 50 people or more are closed to the public; smaller events must implement social distancing of 6 feet per person; gatherings of individuals who are at risk for severe illness from COVID-19 should be limited to no more than 10 people, and avoided if at all possible; and all non-essential City sponsored events are cancelled or postponed to a future date, and all as may be modified by the DES.

**SECTION 6.** To the extent permitted by law, City goods and services procurement requirements are stayed during this Local Emergency, as necessary to procure and respond to the Local Emergency, and the Director of Emergency Services is empowered to exercise all powers granted by any local, state or federal emergency laws, rules and regulations, and such procurements made by the DES are hereby ratified; further, the DES is authorized to appropriate and expend any City funds deemed necessary by the DES in writing, including unappropriated City reserve funds, to exercise any of said emergency powers or procurement powers, and to transfer such funds to corresponding City budget line items or categories.

**SECTION 7.** Water service will not be shut off due to lack of payment during the duration of this Local Emergency, unless further specified by the DES in writing. In addition, late fees, penalties and associated service fees due to lack of payment will be waived, unless as further specified by the DES in writing.

**SECTION 8.** To the extent permitted by law, this declaration of a Local Emergency is intended to satisfy any local, state or federal law or regulation requiring such a declaration as a prerequisite or requirement for mutual assistance, reimbursement or other cooperation with any other local, state or federal entity; this declaration of Local Emergency also hereby activates any and all existing City Emergency Plans, and authorizes the DES to amend such plans in writing as necessary.

**SECTION 9.** The Director of Emergency Services, if delegated by the City Council, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries when necessary to preserve the public order and safety, per Government Code Sec. 8634.

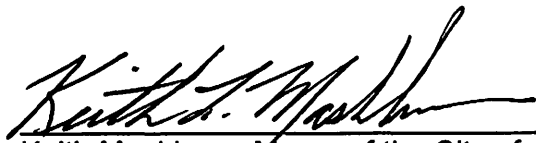
SECTION 10. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed every sixty (60) days by the City Council.

SECTION 11. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

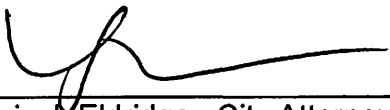
PASSED and ADOPTED this 16<sup>th</sup> day of March 2020.

**Attest:**

  
\_\_\_\_\_  
Lucy Blanco, City Clerk

  
\_\_\_\_\_  
Keith Mashburn, Mayor of the City of  
Simi Valley, California

**Approved as to Form:**

  
\_\_\_\_\_  
Lonnie J. Eldridge, City Attorney

**Approved as to Content:**

  
\_\_\_\_\_  
Brian P. Gabler, City Manager

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2020-19 which was regularly introduced and adopted by the City Council of the City of Simi Valley, California, at a special meeting thereof held on the 16<sup>th</sup> day of March 2020, by the following vote of the City Council:

AYES: Council Members Lister, Cavanaugh, Mayor Pro Tem Judge and Mayor Mashburn

NAYS: Council Member Luevanos

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 18th day of March 2020.

*Lucy Blanco*  
\_\_\_\_\_  
Lucy Blanco  
City Clerk  
for:

**PROCLAMATION AND ORDER BY DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SIMI VALLEY DECLARING A STATE OF A LOCAL EMERGENCY**

**WHEREAS**, pursuant to Section 4-5.06 of the Simi Valley Municipal Code, the Director of Emergency Services may proclaim the existence or threatened existence of a Local Emergency when the City of Simi Valley ("City") is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council; and,

**WHEREAS**, the Director of Emergency Services of the City does hereby find that:

(a) The Health Official of the County of Ventura declared a Local Health Emergency on or about 5:50 p.m., March 12, 2020 in response to the COVID-19 pandemic; and

(b) That the conditions of the COVID-19 pandemic, if fully manifested, pose extreme peril to the health and safety of persons and property within the City and are, or are likely to be, beyond the control and capacity of the services, personnel, equipment and facilities of the City; and

(c) That the City Council of the City of Simi Valley is not in session and cannot immediately be called in to session; and

**WHEREAS**, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a Local Emergency.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND DECLARED** by the Director of Emergency Services that:


1. A Local Emergency now exists throughout the City; and
2. During the existence of said Local Emergency the powers, functions and duties of the emergency organization of the City shall be those prescribed by state law, by ordinances and resolutions of the City, and the Director of Emergency Services is designated as the City Manager under Section 4-5.05 of the Municipal Code; and
3. During the existence of said Local Emergency, City shall follow and impose all directives, mandates, Executive Orders and any other emergency related restrictions issued by the State of California and/or the County of Ventura, including social distancing and other preventative measures; and
4. Until further notice, all non-essential City facilities with a capacity of 250 people or more are closed to the public; smaller events must implement social distancing of 6 feet per person; gatherings of individuals who are at risk for severe illness from COVID-19 should be limited to no more than 10 people, and avoided if at all possible; and all non-essential City sponsored events are cancelled or postponed to a future date; and

5. To the extent permitted by law, City goods and services procurement requirements are stayed during this Local Emergency, as necessary to procure and respond to the Local Emergency, and the Director of Emergency Services is empowered to exercise all powers granted by any local, state or federal emergency laws, rules and regulations; and


6. To the extent permitted by law, this declaration of a Local Emergency is intended to satisfy any local, state or federal law or regulation requiring such a declaration as a prerequisite or requirement for mutual assistance, reimbursement or other cooperation with any other local, state or federal entity; and

7. This Local Emergency shall continue for no more than seven (7) days unless this proclamation is ratified by the City Council pursuant to Section 8630 of the Government Code.


ATTEST:

  
\_\_\_\_\_  
Lucy Blanco, City Clerk

APPROVED:

  
\_\_\_\_\_  
Director of Emergency Services  
City of Simi Valley

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lonnie J. Eldridge  
City Attorney