

CITY OF BELLFLOWER

City Manager's Office

DECLARATION OF EMERGENCY

The City Manager finds:

That conditions of extreme peril to the safety of persons and property have arisen within the City of Bellflower, as a result of the corona virus identified as COVID-19. On March 11, 2020, the World Health Organization ("WHO") declared COVID-19 to be a pandemic: the worldwide spread of a new disease against which most people do not have immunity. On March 12, 2020 (following a March 4, 2020 Declaration of Emergency), the Governor issued Executive Order No. Governor's Executive Order No. N-25-20. A copy of Executive Order No. N-25-20 is attached as Exhibit "A."

These conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

Accordingly, pursuant to Bellflower Municipal Code § 2.20.060, a local emergency is proclaimed to exist within the City of Bellflower. This action will be taken to the City Council for conformation within seven days.

In light of upcoming "mass gatherings" planned within the City including, without limitation, City Council meetings, I am implementing the procedures in attached Exhibit "B," which is incorporated by reference, as recommended by the California Department of Public Health on March 7, 2020. Additional emergency policies will be implemented, subject to ratification by the City Council, as they are recommended by federal, State, and local authorities including, without limitation, the Los Angeles County Sheriff's Department and Los Angeles County Consolidated Fire Protection District.



Jeff Stewart, City Manager

3/13/2020 2:57 p.m. PST

Date/Time

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, at least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

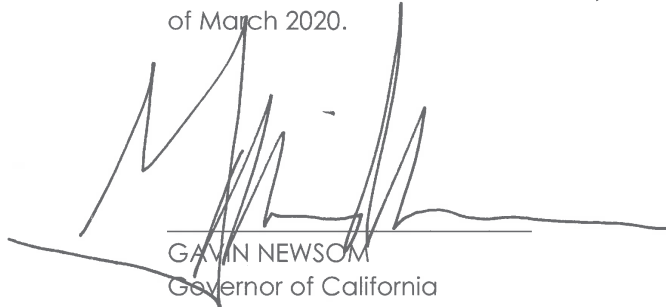
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have
hereunto set my hand and caused
the Great Seal of the State of
California to be affixed this 12th day
of March 2020.



A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized with sharp, angular strokes.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

I. Purpose

This emergency policy and procedure (“EP&P”) is adopted pursuant to Bellflower Municipal Code (“BMC”) § 2.20.060(A)(6)(a) to protect public health and safety during “mass gatherings” as defined in this EP&P.

II. Definitions

Unless the contrary is stated or clearly appears from the context, the following definitions govern the construction of the words and phrases used in this EP&P. Words and phrases undefined in this EP&P have the same meaning as set forth in applicable law.

“Administrative Emergency Declaration” means the administrative declaration of emergency signed by the City Manager on March 13, 2020 related to the COVID-19 pandemic.

“Essential Mass Gatherings” are those that are required by applicable law including, without limitation, City Council meetings.

“High Risk Persons” are those individuals with a higher risk of severe illness. Persons with higher risk of severe illness include individuals 59 years or older and individuals with underlying medical problems (including, without limitation, cardiovascular disease; diabetes; cancer; chronic lung disease; and immunosuppression).

“Mass Gatherings” are events, including public meetings held by the City’s legislative bodies, where large numbers of people are within an arm’s length of one another. These do not include typical office environments or stores. Mass Gatherings include both public and private events occurring at Public Facilities.

“Optional Mass Gathering” are all events other than essential mass gatherings. Such events may include, without limitation, private and public events held at Public Facilities for purposes of amusement, instruction, or other recreational activities.

“Public Facilities” include all City owned property where mass gatherings occur including, without limitation, City Hall, Bellflower Aquatics Center, Simms Park, Thompson Park, Caruthers Park, The Mayne Events Center, Public Safety and the Maintenance Yard.

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

III. Operational Requirements

A. Identification of Mass Gatherings

Every City Department director that may administer a mass gathering must, within five days of the Administrative Emergency Declaration, provide the City Manager with a list of mass gatherings anticipated or scheduled for the next 30 days. Every mass gathering must be categorized as either “essential” or “optional.”

B. Essential Mass Gatherings – Regulations

To protect public health and safety, every mass gathering identified as “essential” must comply with the following:

1. Regardless of the presumed cause, persons displaying respiratory symptoms (cough or runny nose) or fever are prohibited from attending the mass gathering.
2. Any High-Risk Person including, without limitation, City personnel, should be discouraged from attending a mass gathering.
3. Persons who are known to have travelled within the previous 14 days to areas identified by the Centers for Disease Control (“CDC”) as having a Level 3 Travel Health Notice due to COVID-19 are prohibited from attending a mass gathering.
4. To the extent practicable, all mass gatherings must be equipped with hand washing facilities and supplies including hand sanitizer that contains at least 60% alcohol, tissues, and trash baskets.
5. Department Directors should ensure that Public Facilities used for mass gatherings are regularly cleaned with detergent and water followed by a disinfectant that is EPA-approved for emerging viral pathogens.
6. Any attendees at mass gatherings must be encouraged to minimize close contact (e.g., no hand shaking or hugging). Additionally, persons attending mass gatherings must be encouraged to separate themselves by 6 or more feet.
7. Department Directors must provide alternative options for attending the mass gathering via phone, video, or web applications to the extent practicable.

EMERGENCY POLICY AND PROCEDURE

MASS GATHERINGS UNDER COVID-19 EMERGENCY

The Police Chief and Fire Chief, or designees, are authorized to enforce these regulations in accordance with the BMC.

C. Optional Mass Gatherings – Procedures

1. For each optional mass gathering, the Department Director will recommend to the City Manager whether the mass gathering should be modified (e.g., conducted as a video webinar), canceled, or postponed.
2. For optional mass gatherings that are primarily intended for – or attended – by Higher Risk Persons, the Department Director must generally cancel the mass gathering.

Under all circumstances for optional mass gatherings, the City Manager must determine whether the Department Director's recommendation should be implemented or modified.

These EP&P are subject to ratification by the City Council. They will remain effective unless superseded by applicable federal or state law; or are terminated by the City Council or City Manager.

APPROVED: _____
City Manager

APPROVED AS TO FORM: _____
City Attorney