



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** City Manager's Office

**MEETING DATE:** July 7, 2020

**PREPARED BY:** Alice D. Atkins, City Clerk

**AGENDA LOCATION:** AR-1

---

**TITLE:** Ratifying the City Manager's Proclamation of Existence of a Local Emergency; Resolution No. 2020-63

**OBJECTIVE:** To ratify the actions of the City Manager/Director of Emergency Services who proclaimed a Local Emergency related to civil unrest in the region and the possibility of civil unrest in the City

**BACKGROUND:** The City Manager, acting as Director Emergency Services proclaimed a Local Emergency on Saturday, May 30, due to conditions of extreme peril to the health and safety of persons and property that have arisen throughout the City of Monrovia and the surrounding region. The City Council was not in session at the time of the proclamation. This proclamation of Local Emergency is aligned with similar emergency proclamations by the federal, State and County governments, to invoke the authority of the Municipal Code and State law to protect the safety of persons and property and to support and defend the right of all persons to protest peacefully and lawfully.

**ANALYSIS:** Pursuant to the provisions of Chapter 2.44 of the Monrovia Municipal Code, the City Manager's Proclamation shall be of no further force and effect unless the City Council takes action to timely ratify the proclamation. If ratified, the emergency will remain in effect until the City Council terminates it. Staff will provide status reports to the City Council periodically. Due to the COVID-19 emergency, the closure of City Hall, remote City Council meetings, and the press of other City business, this emergency was not submitted for ratification within the (7) day period required by the Municipal Code. Because the Governor has waived the applicable time periods for review of emergencies under State law, staff recommends that the City Council waive the Municipal Code time period for review in this instance and continue the emergency in effect until no longer necessary.

**FISCAL IMPACT:** The continued existence of a local state of emergency enables the City to seek reimbursement for expenditures made responding to the emergency. Without ratification, that authority will expire.

**OPTIONS:** The following options are presented for consideration:

1. Adopt Resolution No. 2020-63, ratifying the proclamation of existence of a local emergency.
2. Reject the resolution and allow the proclamation to expire effective June 6, 2020.

**RECOMMENDATION:** Staff recommends that the City Council ratify the Proclamation of Existence of a Local Emergency by the City Manager/Emergency Services Director and waive the Municipal Code's time period for ratification.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to adopt Resolution No. 2020-63.

# AR-1

**RESOLUTION NO. 2020-63**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MONROVIA RATIFYING THE CITY MANAGER'S  
PROCLAMATION OF THE EXISTENCE OF A LOCAL  
EMERGENCY**

**WHEREAS**, Section 2.44.060 of the Municipal Code of the City of Monrovia empowers the City Manager/Director Emergency Services to proclaim the existence of a local emergency as defined by Government Code § 8558(c) when the City Council is not in session, subject to ratification by the City Council; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property have arisen within this City and Los Angeles County, related to civil unrest in the region and the possibility of civil unrest in the City, at which time the City Council was not in session; and

**WHEREAS**, the City Council does hereby find that the above described conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

**WHEREAS**, the City Manager/Director of Emergency Services did proclaim the existence of a local emergency within this City on May 30, 2020.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council that:

1. The Proclamation of Existence of a Local Emergency, as issued by the City Manager/Director of Emergency Services, is hereby ratified pursuant to Monrovia Municipal Code Section 2.44.060.
2. Due to the previous existence of the COVID-19 emergency, and the Governor's action to waive statutory time periods for review of declarations of emergency, the City Council hereby waives the time period for review in the Monrovia Municipal Code, and declares its intent that the emergency remained in effect through the date of ratification by the City Council.
3. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.
4. During the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Monrovia shall be those prescribed by state law, by ordinances, resolutions and approved emergency plans of City of Monrovia.
5. A copy of this proclamation shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California, pursuant to the Emergency

Services Act; issue a proclamation declaring an emergency applicable in Los Angeles County if not previously declared; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

6. The City Clerk shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 7th day of July, 2020.

---

Tom Adams, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Alice D. Atkins, MMC, City Clerk  
City of Monrovia

---

Craig A. Steele, City Attorney  
City of Monrovia

PROCLAMATION OF A LOCAL EMERGENCY BY  
THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MONROVIA  
RELATING TO THE POSSIBILITY OF CIVIL UNREST

WHEREAS, Section 2.44.060 of the Municipal Code of the City of Monrovia empowers the City Manager/Director Emergency Services to proclaim the existence of a local emergency as defined by Government Code § 8558(c) when the City Council is not in session, subject to ratification by the City Council; and

WHEREAS, on May 30, 2020, the Governor of the State of California proclaimed a State of Emergency to exist in the County of Los Angeles due to civil unrest; and

WHEREAS, on May 30, 2020, the County of Los Angeles and multiple cities in Los Angeles County imposed a curfew as a result of said local emergency; and

WHEREAS, on May 31, 2020, there were news reports of protests continuing throughout the County of Los Angeles, including in the San Gabriel Valley, as well as looting and damage in some communities, resulting in the additional imposition of curfews by multiple cities to quell violence and the destruction of property; and

WHEREAS, the proclamation of a local emergency empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such local emergency pursuant to Section 8634 of the Government Code, and to requisition additional personnel, goods and services as needed to prepare for the emergency; and

WHEREAS, the Director of Emergency Services of the City of Monrovia determined that a threat to public health and safety existed in the City as of May 30, 2020 due to civil unrest in the region and the possibility of civil unrest in the City; and

WHEREAS, in response to the Emergency the City Manager and his designees authorized additional costs including, without limitation, overtime for additional City staff and emergency supplies and equipment; and

WHEREAS, the Director of Emergency Services and the City of Monrovia support and defend the right of all persons to protest peacefully and lawfully, and do not intend in any way to inhibit or diminish that right.

**NOW, THEREFORE, IT IS HEREBY PROCLAIMED, DECLARED AND ORDERED AS FOLLOWS:**

**SECTION 1. Incorporation by Reference.** The recitals set forth above are true and correct and are incorporated into this Proclamation by reference.

**SECTION 2. Declaration of Local Emergency.** The Director of Emergency Services hereby declares and proclaims that conditions of extreme peril to the safety of persons and property

have arisen throughout the City of Monrovia and the surrounding region and a local emergency now exists in the City of Monrovia.

**SECTION 3. Emergency Organization.** During the existence of this local emergency the powers, functions, and duties of the emergency organization of the City of Monrovia shall be those prescribed by state law, by ordinances, resolutions and approved emergency plans of the City of Monrovia.

**SECTION 8. Subject to Ratification and Confirmation by City Council.** The City Council shall take action to ratify and confirm this Proclamation and Executive Order within seven days, or the local emergency shall not remain in effect.

**SECTION 9. Severability.** The Director of Emergency Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director of Emergency Services hereby declares that he would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

**SECTION 10. Notice of Executive Order.** The Director of Emergency Services hereby directs City staff to cause this Executive Order to be disseminated to the public and be given widespread publicity and notice.

ORDERED, ADOPTED and ISSUED this 30th day of May, 2020.

By: \_\_\_\_\_  
Dylan Feik  
Director of Emergency Services/City Manager  
City of Monrovia