



PROCLAMATION NO. 20-01

**A PROCLAMATION OF THE CITY MANAGER OF THE CITY
VICTORVILLE ACTING IN HIS CAPACITY AS THE DIRECTOR OF
EMERGENCY SERVICES PROCLAIMING THE EXISTENCE OF A
LOCAL EMERGENCY**

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubie Province, China; and

WHEREAS, COVID-19 has since spread outside of China, impacting more than 75 countries, including the United States; and

WHEREAS, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

WHEREAS, on March 4, 2020, Governor Newsom declared the existence of a state of emergency for the State of California by issuing Executive Order N-25-20; and

WHEREAS, on March 10, 2020, the San Bernardino County Board of Supervisors declared a local health emergency due to COVID-19 and the San Bernardino County Operational Area Emergency Operations Center was activated; and

WHEREAS, on March 11, 2020, the World Health Organization officially declared COVID-19 a global pandemic; and

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 as a result of COVID-19; and

WHEREAS, on March 15, 2020, the County of San Bernardino confirmed the first case of an individual contracting COVID-19 and a second case was confirmed on March 16, 2020 a third case was confirmed on March 17, 2020; and

WHEREAS, due to the expanding list of countries with widespread transmission of COVID-19, and increasing travel alerts and warning for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention (CDC), COVID-19 has created conditions that are more likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, since issuing Executive Order N-25-20, the Governor of the State of California has taken additional actions to address COVID-19 to include having released statewide guidance, urging the highest risk population (individuals who are 65 years or older, or have a compromised immune system) to self-isolate at home;

WHEREAS, Section 2.36.050 of Chapter 2.36 the Victorville Municipal Code (“VMC”) entitled “Emergency Organization” designates the City Manager as the Director of Emergency Services for the City of Victorville (the “City”); and

WHEREAS, Sections 2.36.080(3), (4), and (5) of Chapter 2.36 of the VMC empower the Director of Emergency Services to: (1) control and direct the effort of the emergency organization of the City for the accomplishment of the purposes of Chapter 2.36; (2) direct cooperation between and coordination of services and staff of the emergency organization of the City; and resolve questions of authority and responsibility that may arise between them; and (3) represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined therein

WHEREAS, Section 2.36.080(1) of Chapter 2.36 of the VMC further empowers the Director of Emergency Services to request the City Council to proclaim the existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session; and

WHEREAS, Section 2.36.020 of Chapter 2.36 of the VMC in pertinent part defines an emergency as the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by conditions including an epidemic or other conditions, which are or are likely to be beyond the control of the services, personnel, equipment and facilities of the City requiring the combined forces of other political subdivisions to combat; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, the Director of Emergency Services believes and has concluded that the above-described conditions of extreme peril warrant a proclamation of local emergency; and

NOW, THEREFORE, the Director of Emergency Services of the City of Victorville hereby declares as follows:

Section 1. That the recitals set forth above, including the findings and any definitions set forth therein, are true and correct and are hereby incorporated in their entirety by this reference.

Section 2. That pursuant to Section 2.36.080 of Chapter 2.36 of the VMC and California Government Code Section 8630 *et seq.*, it is hereby proclaimed that a local emergency now exists in the City of Victorville, and for said emergency, assistance and aid is requested

from Federal, State and County governance to the City, individuals, and businesses affected thereby.

Section 3. That pursuant to VMC Section 2.36.080(6), the Director of Emergency Services is empowered to:

- (A) Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
- (B) Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
- (C) Require emergency services of any City officer or employee and, in the event of a proclamation of a "state of emergency" in the County in which the city is located or the existence of a "state of war emergency", to command the aid of as many citizens of the community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;
- (D) Requisition necessary personnel or materials of any City department or agency; and
- (E) Execute all of his ordinary power as City Manager, all of the special powers conferred upon him by Chapter 2.36 or by resolution or emergency plan pursuant hereto adopted by the city council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.

Section 4. To date, in an abundance of caution, the Director of Emergency Services has caused the closure of City Hall and other City public facilities to access by the public in order to help prevent any possible spread of COVID-19.

Section 5. That the Director of Emergency Services shall bring this proclamation back for City Council ratification within seven days, and if ratified, shall remain in effect, subject to the review of the City Council at least every sixty (60) days to determine if the need for the local emergency still exists. The City Council shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

Section 6. That the Director of Emergency services or his designee shall take any and all actions necessary to respond to and prevent the spread of COVID-19 in collaboration with other agencies.

Section 7. That the provisions of Chapter 2.36 of the VMC, this Proclamation, the existing resolutions and ordinances of the City, and such resolutions as the City Council may subsequently adopt relating to the City's COVID-19 state of emergency shall prevail over any inconsistent or contrary provisions of the Emergency Operations Plan prepared by the San Bernardino County Fire Department.


Section 8. If any provision of this Proclamation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Proclamation are declared to be severable.

PROCLAIMED by the Director of Emergency Services this 17th day of March, 2020.



Keith C. Metzler,
City Manager/Director of Emergency Services

ATTEST:



Charlene Robinson, Victorville City Clerk

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