

RESOLUTION NO. 2020-025

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, DECLARING A CONTINUED STATE OF THE EXISTENCE OF A LOCAL EMERGENCY IN RESPONSE TO THE THREAT TO PUBLIC HEALTH POSED BY COVID-19 AND ADOPTING RULES AND REGULATIONS THERETO

WHEREAS, international, national, state, and local health and governmental authorities have been and are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARSCoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City caused by the threat of COVID-19 that will impact significant City and community operations, including critical public infrastructure and services, and which will require the provision of additional public safety and emergency services; and

WHEREAS “local emergencies” are defined 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 such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or earthquake, or other conditions, including conditions resulting from labor controversy, which conditions 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 World Health Organization (WHO) has reported that sustained human-to-human transmission of COVID-19 is occurring; and transmission from asymptomatic individuals has been documented and suspected community transmission of the virus is occurring in the United States and although the majority of individuals infected with COVID-19 recover from the disease without special treatment, there is significant potential for serious infection and death; and

WHEREAS, the WHO declared the COVID-19 outbreak a public health emergency of international concern on January 30, 2020, and made an assessment on March 11, 2020 that COVID-19 can be characterized as a pandemic; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that the virus presents a serious public health threat, requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, the CDC has issued guidelines to local and state health departments, including the Napa County Health & Human Services Agency (HHSA), concerning risk assessment and public health management of persons with potential exposure to COVID-19, and these guidelines require HHSA to make extraordinary efforts to monitor ongoing communicable disease threats and prepare for management of individuals who may have been exposed to COVID-19; and

WHEREAS, HHS, the Office of Emergency Services, and other County partners (including the City of Calistoga) have been working diligently to implement the CDC guidelines, but now require additional tools and resources to protect the public health given the current state of the epidemic and the need for a sustained response; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the Proclamation of a Local Emergency to enable the City and other local government entities to adequately plan, prepare and preposition resources to be able to effectively respond to the threat posed by COVID-19, and to warn residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare; and

WHEREAS, Calistoga Municipal Code (CMC) §2.18.050 designates the City Manager as Director of Emergency Services and CMC §2.18.060 empowers the Director of Emergency Services to proclaim the existence of a local emergency when the City Council is not in session; and;

WHEREAS, in response to COVID-19, the Governor of the State of California issued a Proclamation of a State of Emergency on in response to COVID-19 on March 4, 2020, and issued Executive Order N-25-20 on March 12, 2020; and

WHEREAS, the Napa County Public Health Officer declared a local health emergency on March 12, 2020 as a result of the imminent and proximate threat to public health from the potential introduction of COVID-19 in Napa County; and

WHEREAS, the President of the United States issued the Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, on March 13, 2020; and

WHEREAS, on March 15, 2020, Governor Newsom called for the closure of all bars, pubs, and wineries in the State and ordered restrictions on restaurants presenting a significant economic impact to certain business in Calistoga; and

WHEREAS, on March 16, 2020 the City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of local emergency in the City of Calistoga; and

WHEREAS, on March 18, 2020, the Napa County Public Health Officer issued a Shelter at Home Order, which limited public and private gatherings, limited travel within populated areas, and closed certain non-essential businesses; and

WHEREAS, on March 19, 2020, Governor Newsom signed Executive Order N-33-20, limiting public and private gatherings and closing certain non-essential businesses; and

WHEREAS, on March 20, 2020 the City Council adopted a resolution pursuant to CMC §2.18.060 ratifying the proclamation of the Director of Emergency Services; and

WHEREAS, on April 3, 2020, the Napa County Public Health Officer issued an updated Shelter at Home Order, which provides stricter guidelines to slow the rate of spread, prevent deaths, and stop the health care system from being overwhelmed; and

WHEREAS, this Proclamation is based on evidence of increasing occurrences of COVID-19 within the County and throughout the Bay Area, and also its proclivity to attach to surfaces and cause temporary physical damage to property, this Order is also based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID- 19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19, and Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others; because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CALISTOGA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Beginning on or about March 16, 2020 at 6:00 PM, there existed conditions of extreme peril to the safety of persons and property within the City caused by COVID-19.

Section 2. The conditions described herein 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.

Section 3. There is the existence of a “local emergency” as defined by the Calistoga Municipal Code (CMC) §2.18.020, based on the existence of the conditions related to COVID-19 identified herein.

Section 4. During this local emergency, the City Manager shall exercise the authority identified by the California Emergency Services Act (Government Code §8550 et seq.) and City law including, but not limited to, “Emergency Organizations” CMC §2.18.090, City resolutions, and the City’s emergency plans.

Section 5. The City Manager shall work with appropriate local, state and federal representatives in order to seek disaster relief assistance; and with the Mayor in order to determine the appropriate method of requesting assistance from County, State, and Federal officials.

Section 6. In connection with the local emergency identified in this proclamation, a special meeting of the City Council was convened on April 14, 2020 to consider continued ratification of the proclamation (which may be held telephonically).

Section 7. For the protection of persons and property, all non-essential public meetings shall be canceled through April 30, 2020.

Section 8. Notwithstanding any provision of Calistoga Municipal Code in recognition of the significant interruption to the hotel business as a result of this proclamation and other federal and state proclamations and orders, hotels, motels and resorts may defer remittance of the transit occupancy tax imposed by CMC §3.16 (i.e., the 12% Transient Occupancy Tax) as follows: the remittance due shall be deferred for a period not to exceed 60 days form the actual

due date for the months of February, March and April. This rule or regulation shall only apply to remittance of the tax imposed by CMC §3.16 (i.e., the 12% Transient Occupancy Tax) and only to the remittances thereof otherwise due. Nothing in this proclamation shall affect any other provision of, or relieve a hotel from any other obligations under, CMC §3.16 and other applicable law including, but not limited to, the following:

- a) The duty to make a return on or before the last day of the month under CMC §3.16.070;
- b) The duty to pay penalties and interest under CMC §3.16.080 if the remittances are not made as provided herein;
- c) The duty to remit the tax imposed by CMC §3.16.020(D) (i.e., the 1% Transient Occupancy Tax imposed for programs and services related to affordable and workforce housing); and
- d) The Duty to remit the assessment imposed by the Napa Valley Tourism Improvement District (NVTID).

Section 9. This proclamation shall be published and promulgated in as widespread a manner as reasonably feasible in light of the conditions prevailing during the local emergency.

Section 10. This proclamation shall continue to be in effect until discontinued by the City Council, and the City Council will review the need for continuing this proclamation at least every 60 days from the effective date of this resolution; upon termination by the City Council, this proclamation and the rules and regulations contained herein shall have no further force or effect.

Section 11. The facts set forth in the recitals to this proclamation are true and correct and establish the factual basis for this proclamation.

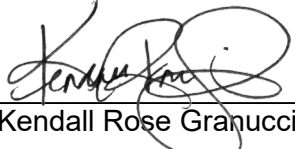
Section 12. This Proclamation shall take effect immediately upon its execution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Calistoga at a special meeting held on the 14th day of April 2020.

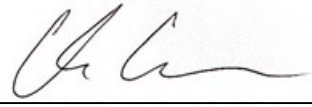
I, Kendall Rose Granucci, City Clerk of the City of Calistoga, hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Calistoga at a special meeting held on the 14th day of April 2020, by the following vote:

AYES:	Councilmembers Kraus, Lopez-Ortega, and Williams, Vice Mayor Dunsford and Mayor Canning
NOES:	None
ABSTAIN:	None
ABSENT:	None

ATTEST:


Kendall Rose Granucci, City Clerk

APPROVED:


Chris Canning, Mayor