

RESOLUTION NO. 6456

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, RATIFYING REGULATION NO. 3 ISSUED BY THE CITY MANAGER AS DIRECTOR OF EMERGENCY SERVICES, PARTIALLY MODIFYING REGULATION NO. 1 RE CITY PARKS

THE CITY COUNCIL OF THE CITY OF GARDENA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, Gardena Municipal Code Chapter 2.56.060 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, Gardena Municipal Code Chapter 2.56.060(A)(6)(a) empowers the City Manager as 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 emergency; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern" and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, on March 16, 2020 the City Manager, as the City's Director of Emergency Services, did proclaim the existence of a local emergency as authorized by Government Code section 8630 and Gardena Municipal Code Chapter 2.56.060; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued the Safer at Home Order for Control of COVID-19 to further restrict and limit the gathering of persons in an effort to slow the spread of COVID-19 within the greater Los Angeles community; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order No. N-33-20 that required all citizens, except for essential workers, to stay home with limited exceptions allowed to obtain essential services; and

WHEREAS, on March 19, 2020 the City Council pursuant to Resolution No. 6441 did ratify the Proclamation declaring the existence of a local emergency; and

WHEREAS, on April 9, 2020, the City Manager, acting as the Director of Emergency Services, issued Regulation No. 1 pursuant to the City's Emergency Proclamation which closed all city parks and open spaces; and

WHEREAS, on April 14, 2020, the City Council approved Resolution No. 6446 ratifying Regulation No. 1; and

WHEREAS, COVID-19 continues to spread in the City and in the County and is especially dangerous to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, the city has been severely impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been canceled. School closures have occurred and are continuing. Employees have been advised to work at home. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, many workers have had to stay home for extended periods; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it remains essential to avoid

unnecessary close contact; and

WHEREAS, on May 6, 2020 the Los Angeles County Department of Public Health announced a reopening plan for the County of Los Angeles wherein under Stage 2 of the plan, outdoor parks may reopen effective May 8, 2020 provided that all activities adhere to distancing and infection control protocols.

WHEREAS, as the length of the stay-at-home order has continued, many Gardena residents affected by the stay-at-home orders have requested an easing of restrictions on the use of public parks and open spaces for passive use, such as walking or jogging so long as strict regulations are followed to ensure social distancing and wearing of face coverings to minimize the transmission of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Manager, acting as the Director of Emergency Services, issued on May 7, 2020, Regulation No. 3, which became effective May 8, 2020 and ordered the following:

- City of Gardena Parks shall be open during regular park hours for passive use only, such as walking or jogging.
- City of Gardena Park Parking Lots shall be open during regular park hours for visitors of the city's parks.
- There shall be no gathering, picnicking, or other such use in the City of Gardena Parks or Parking Lots.
- All Sport Amenities such as playgrounds, basketball courts, tennis courts, skate parks, soccer fields etc. will remain closed for all until otherwise ordered.
- Social distancing shall be maintained and a face covering shall be worn, except for children under age 2. The face mask or covering shall be of sufficient size to cover the nose and mouth of the wearer so as to assure the inhale or exhale of air through the mask or covering. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

A true and correct copy of the Director of Emergency Services Regulation No. 3 is

attached hereto and incorporated herein by this reference as Attachment "A"; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to ratify the Director of Emergency Service's Regulation No. 3.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE, AS FOLLOWS:

SECTION 1. The City Manager, acting as the Director of Emergency Services' Regulation No. 3 issued on May 7, 2020, and entitled "GARDENA REGULATION NO. 3 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF GARDENA, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, PARTIALLY MODIFYING REGULATION NO. 1 RE CITY PARKS", is hereby ratified.

BE IT FURTHER RESOLVED that the City Clerk shall certify to the passage and adoption of this Resolution; shall cause the same to be entered among the original Resolutions of said City; and shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting at which the same is passed and adopted.

Passed, approved, and adopted this 12th day of May 2020.



TASHA CERDA, Mayor

ATTEST:


for MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


CARMEN VASQUEZ, City Attorney



OFFICE of the CITY MANAGER

1700 WEST 162nd STREET / GARDENA, CALIFORNIA 90247-3732 / WWW.CITYOFGARDENA.ORG / PHONE (310) 217-9503

May 7, 2020
REF: 2020.121

**CITY OF GARDENA REGULATION NO 3 PURSUANT TO
PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY**

GARDENA REGULATION NO. 3 ISSUED PURSUANT TO A PROCLAMATION BY THE CITY MANAGER OF THE CITY OF GARDENA, CALIFORNIA, ACTING AS THE DIRECTOR OF EMERGENCY SERVICES, PARTIALLY MODIFYING REGULATION NO. 1 RE CITY PARKS

WHEREAS, Gardena Municipal Code Chapter 2.56.060 empowers the City Manager, as the Director of Emergency Services, to declare the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code Section 8550 et seq., including Section 8558(c), authorize the City Manager to proclaim a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, Gardena Municipal Code Chapter 2.56.060(A)(6)(a) empowers the City Manager as 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 emergency; and

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in Wuhan City, Hubei Province, China in December 2019. Symptoms of COVID-19 include fever, cough, and shortness of breath; outcomes have ranged from mild to severe illness, and, in some cases, death. The Center for Disease Control and Prevention (CDC) has indicated the virus is a tremendous public health threat; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak a "public health emergency of international concern" and on March 11, 2020, the WHO has elevated the public health emergency to the status of a pandemic. On January 31, 2020, United States Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California; and

*TASHA CERDA, Mayor / MARK E. HENDERSON, Mayor Pro Tem
PAULETTE C. FRANCIS, Councilmember / ART KASKANIAN, Councilmember / RODNEY G. TANAKA, Councilmember
MINA SEMENZA, City Clerk / J. INGRID TSUKIYAMA, City Treasurer / CLINT OSORIO, City Manager / CARMEN VASQUEZ, City Attorney*

WHEREAS, the Governor on March 12, 2020 issued Executive Order N-25-20, ordering, inter alia, that all residents are to heed the orders and guidance of state and local public health officials; and

WHEREAS, on March 16, 2020 the City Manager, as the City's Director of Emergency Services, did proclaim the existence of a local emergency as authorized by Government Code section 8630 and Gardena Municipal Code Chapter 2.56.060; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued the Safer at Home Order for Control of COVID-19 to further restrict and limit the gathering of persons in an effort to slow the spread of COVID-19 within the greater Los Angeles community; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order No. N-33-20 that required all citizens, except for essential workers, to stay home with limited exceptions allowed to obtain essential services; and

WHEREAS, on March 19, 2020 the City Council pursuant to Resolution No. 6441 did ratify the Proclamation declaring the existence of a local emergency; and

WHEREAS, on April 9, 2020, the City Manager, acting as the Director of Emergency Services, issued Regulation No. 1 pursuant to the City's Emergency Proclamation which closed all city parks and open spaces; and

WHEREAS, on April 14, 2020, the City Council approved Resolution No. 6446 ratifying Regulation No. 1; and

WHEREAS, COVID-19 continues to spread in the City and in the County and is especially dangerous to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, the city has been severely impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been canceled. School closures have occurred and are continuing. Employees have been advised to work at home. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, many workers have had to stay home for extended periods; and

WHEREAS, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it remains essential to avoid unnecessary close contact; and

WHEREAS, on May 6, 2020 the Los Angeles County Department of Public Health announced a reopening plan for the County of Los Angeles wherein under Stage 2 of the plan, outdoor parks

may reopen effective May 8, 2020 provided that all activities adhere to distancing and infection control protocols.

WHEREAS, as the length of the stay-at-home order has continued, many Gardena residents affected by the stay-at-home orders have requested an easing of restrictions on the use of public parks and open spaces for passive use, such as walking or jogging so long as strict regulations are followed to ensure social distancing and wearing of face coverings to minimize the transmission of COVID-19; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue this Regulation No. 3 to allow passive use of the City of Gardena's parks, subject to strict requirements to minimize the risk of COVID-19 transmission pursuant to the emergency proclamation related to protection of life and property;

NOW, THEREFORE, IT IS PROCLAIMED AND ORDERED by the City Manager of the City of Gardena acting as the Director of Emergency Services as follows, to become effective on May 8, 2020, subject to ratification as soon as practicable by the City of Gardena City Council:

SECTION 1. The above recitals are true and correct and incorporated herein by this reference. The recitals referenced herein, are adopted as though set forth fully herein as findings in support of this regulation.

SECTION 2. Regulation No. 1, pursuant to Proclamation Declaring the Existence of a Local Emergency is hereby modified in the following respects only:

- City of Gardena Parks shall be open during regular park hours for passive use only, such as walking or jogging.
- City of Gardena Park Parking Lots shall be open during regular park hours for visitors of the city's parks.
- There shall be no gathering, picnicking, or other such use in the City of Gardena Parks or Parking Lots.
- All Sport Amenities such as playgrounds, basketball courts, tennis courts, skate parks, soccer fields etc. will remain closed for all until otherwise ordered.
- Social distancing shall be maintained and a face covering shall be worn, except for children under age 2. The face mask or covering shall be of sufficient size to cover the nose and mouth of the wearer so as to assure the inhale or exhale of air through the mask or covering. Such face coverings need not be medical-grade masks or N95 respirators, but can be fabric coverings, such as scarves and bandanas. All reusable

face coverings must be washed frequently (at least once a day). Single-use face coverings must be properly discarded into trash receptacles.

SECTION 3. Violation of this Regulation shall be punishable as set forth in Gardena Municipal Code Chapter 2.56.100

SECTION 4. Except as expressly modified herein, Regulation No. 1 shall remain in full force and effect so long as the City remains in a state of emergency.

SECTION 5. Should the regulations referenced herein conflict in any manner, the stricter requirement shall apply, unless expressly acknowledged otherwise by the Director of Emergency Services or the City Council, or unless by operation of law.

SECTION 6. This regulation must be confirmed at the earliest practicable time by the City Council.

SECTION 7. If any subsection, sentence, clause, phrase, or word of this regulation or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this regulation.

SECTION 8. Notwithstanding pending review of this regulation by the City Council for confirmation at the earliest practicable time, this regulation shall take effect on May 8, 2020.

SECTION 9. This regulation shall remain in effect until terminated by subsequent order of the Gardena Director of Emergency Services, terminated by resolution or other action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.

PROCLAIMED this 7th day of May, 2020.



Clint Osorio,
City Manager/Director of Emergency Services

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF GARDENA REGULATION NO. 3 PURSUANT TO PROCLAMATION DECLARING THE EXISTENCE OF A LOCAL EMERGENCY FOR THE CITY OF GARDENA, CALIFORNIA BY THE CITY MANAGER (DIRECTOR OF EMERGENCY SERVICES) ON THE 7TH DAY OF MAY 2020.

ATTEST:

Becky Romero
for MINA SEMENZA, City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Resolution, being **Resolution No. 6456** duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a regular meeting of said City Council held on the **12th day of May, 2020**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBER TANAKA, MAYOR PRO TEM HENDERSON, COUNCIL
 MEMBERS KASKANIAN AND FRANCIS, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

for Becky Romero
City Clerk of the City of Gardena, California

(SEAL)