

**RESOLUTION NO. 20-03-31-01**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT,  
CALIFORNIA, RATIFYING AMENDMENT 1 TO COVID-19 EMERGENCY  
PROCLAMATION**

The City Council of the City of Dana Point does hereby resolve as follows:

**WHEREAS**, Section 2.20.030 of the Dana Point Municipal Code designates the City Manager as the City's Director of Emergency Services; and

**WHEREAS**, Section 2.20.060 of the Dana Point Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim the existence of a Local Emergency if the Council is in session, or to issue such proclamation if the Council is not in session; and

**WHEREAS**, conditions of extreme peril to the safety of persons has arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease; and

**WHEREAS**, the President of the United States, the Governor of the State of California, and the County of Orange declared that National, State, and local health emergencies exist as a result of COVID-19; and

**WHEREAS**, on March 16, 2020 the Director of Emergency Services proclaimed the existence of a local emergency in the City (the "Emergency Declaration") based on the foregoing, and such Emergency Declaration was ratified by the City Council on March 17, 2020; and

**WHEREAS**, since the issuance of the Emergency Declaration, facts and circumstances have changed, which dictate the need for additional emergency measures as authorized by Section 2.20 of the Dana Point Municipal Code as contemplated by Section 5 of the Emergency Declaration; and

**WHEREAS**, based on the changed circumstances, the Director of Emergency Services issued Amendment 1 to the Emergency Declaration on March 27, 2020, and

**WHEREAS**, Sections 2.20.060 and 2.20.200 of the Dana Point Municipal Code require the City Council to ratify the decision of the Director of Emergency Services; and

**WHEREAS**, the City Council of the City of Dana Point agrees with and desires to affirm and ratify the decision of the Director of Emergency Services to adopt Amendment 1 to the Emergency Declaration.

**NOW, THEREFORE**, the City Council of the City of Dana Point does hereby resolve, order and determine as follows:

**Section 1.** Amendment 1 to the Emergency Declaration made by the Director of Emergency Services on March 27, 2020, attached hereto and incorporated herein, is hereby ratified.

**Section 2.** The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Dana Point, this 31<sup>ST</sup> day of March, 2020.

\_\_\_\_\_  
RICHARD A. VICZOREK, MAYOR

ATTEST:

\_\_\_\_\_  
KATHY M. WARD, CITY CLERK

STATE OF CALIFORNIA            )  
COUNTY OF ORANGE            ) ss  
CITY OF DANA POINT            )

I, Kathy M. Ward, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing is a true and correct copy of Resolution No. 20-03-31-01 adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 31st day of March 2020, by the following vote:

AYES:           Council Member Debra Lewis, Council Member Joseph L. Muller, Council Member Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, Mayor Richard A. Viczorek

NOES:           None

ABSENT:       None

ABSTAIN:       None

\_\_\_\_\_  
KATHY M. WARD, CITY CLERK



CITY OF DANA POINT  
AMENDMENT 1 TO:  
PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY BY  
THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Section 2.20.030 of the Dana Point Municipal Code designates the City Manager as the City's Director of Emergency Services.

WHEREAS, Section 2.20.060 of the Dana Point Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim the existence of a Local Emergency if the Council is in session, or to issue such proclamation if the Council is not in session.

WHEREAS, conditions of extreme peril to the safety of persons has arisen both internationally and within the United States as a result of the introduction of the novel coronavirus (COVID-19), a novel communicable disease;

WHEREAS, the President of the United States, the Governor of the State of California, and the County of Orange declared that National, State, and local health emergencies exist as a result of COVID-19;

WHEREAS, on March 16, 2020 the Director of Emergency Services proclaimed the existence of a local emergency in the City (the "Emergency Declaration") based on the foregoing, and such Emergency Declaration was ratified by the City Council on March 17, 2020;

WHEREAS, since the issuance of the Emergency Declaration, facts and circumstances have changed, which dictate the need for additional emergency measures as authorized by Section 2.20 of the Dana Point Municipal Code as contemplated by Section 5 of the Emergency Declaration.

NOW, THEREFORE, the Director of Emergency Services of the City of Dana Point proclaims, declares and orders as follows:

**Section 1:** Pursuant to Dana Point Municipal Code Sections 2.20.060 and 2.20.200, the Director of Emergency Services is empowered to adopt rules, policies and regulations to protect the Public, to protect life and property, and to ensure the availability of essential City services. The Director of Emergency Services orders as follows pursuant to that authority.

**Section 2:** Certain City trails and beaches as determined by the Director of Emergency Services are hereby ordered closed during the pendency of the declared emergency in order to further the "Stay at Home" order issued by the Governor of the State of California, and the orders of the Health Officer of the County of Orange, including specifically orders related to persons not gathering in groups, and practicing social distancing.

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**Section 3:** In response to mutual aid requests and similar requests for assistance from the County of Orange, and State of California, and in recognition that both of the foregoing have ordered the beaches under their jurisdiction within the City to close, City staff is ordered to cease operation of the Funicular at Strand Beach, and close certain parking lots and gates as determined by the Director of Emergency Services that otherwise would provide access to State, County or City facilities that have been ordered closed, and to temporarily create and enforce no parking restrictions in connection with both public and private parking locations as determined by the Director of Emergency Services that might otherwise serve to enable access to such facilities. The parking locations to be closed shall specifically include, without limitation, the Dana Point Community Center parking lot, Lantern Bay Park parking lot, street parking on Park Lantern adjacent to the Lantern Bay Park Parking Lot, the publicly-accessible parking lot at the Monarch Beach Golf Links, street parking on Selva Road adjacent to Strand Beach Park, Parking on Dana Strand Road adjacent to the Switchback Trail, and various locations along Coast Highway.


**Section 4:** In recognition that the Governor has issued a variety of Executive Orders to promote economic activity, and has suspended a variety of State laws and regulations towards that end, it is hereby ordered that any City regulations which conflict with, or impose additional or different regulations than, those set forth in the Governor's Executive Orders and related actions are suspended during the pendency of the local emergency. This specifically includes, without limitation, City permitting and other regulatory requirements that might otherwise apply to businesses licensed by the Department of Alcohol Beverage Control to the degree they might impose requirements different or in addition to State laws and regulations applicable to such businesses during the current emergency.

**Section 5:** Recognizing the hardship on local business resulting from the various orders that have been issued to protect public health, the following orders are made to protect the welfare of the public and the business community during the current emergency: (1) all City regulations related to temporary signage are suspended. (2) the period set forth in Dana Point Municipal Code Section 9.63.040(e) related to abandoned or discontinued use is tolled for the period commencing March 13, 2020 and ending a date that is 15 calendar days after the local emergency is declared to have ended, and (3) the Director of Community Development is authorized to waive, suspend, or otherwise modify any requirement of the Municipal Code or any provision of a discretionary approval (such as requirements set forth in a CUP or CDP) applicable to business operations, which requirement is reasonably capable of being subjected to a temporary suspension or waiver in a manner such that it can be reinstated after the end of the local emergency; provided, however, a written determination authorizing such waiver or suspension shall be kept on file with the City Clerk.

**Section 6:** Additional or different emergency measures may be implemented by the Director of Emergency Services pursuant to Section 2.20 of the Dana Point Municipal Code as deemed reasonable or necessary to address the quickly changing, fluid situation.

**Section 7:** All provisions of the Emergency Declaration issued March 16, 2020 and ratified by the City Council March 17, 2020 remain in full force and effect excepting any provisions which conflict with the forgoing, which, if any, are hereby superseded.

City Manager/Director of Emergency Services: \_\_\_\_\_

  
Mark Denny

Date: MARCH 27, 2020