CITY COUNCIL SPECIAL MEETING AGENDA
SPECIAL MEETING
CITY OF HALF MOON BAY

FRIDAY, AUGUST 28, 2020

ALL REMOTE PARTICIPATION (SEE NEXT PAGE)

Adam Eisen, Mayor
Robert Brownstone, Vice Mayor
Deborah Penrose, Councilmember
Harvey Rarback, Councilmember
Debbie Ruddock, Councilmember

5:00 PM

This agenda contains a brief description of each item to be considered. Those wishing to address the City Council on any matter not listed on the Agenda, but within the jurisdiction of the City Council to resolve, may come forward to the podium during the Public Forum portion of the Agenda and will have a maximum of three minutes to discuss their item. Those wishing to speak on a Public Hearing matter will be called forward at the appropriate time during the Public Hearing consideration.

Please Note: Anyone wishing to present materials to the City Council, please submit seven copies to the City Clerk.

Copies of written documentation relating to each item of business on the Agenda are on file in the Office of the City Clerk at City Hall and the Half Moon Bay Library where they are available for public inspection. If requested, the agenda shall be available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132.) Information may be obtained by calling 650-726-8271.

In compliance with the Americans with Disabilities Act, special assistance for participation in this meeting can be obtained by contacting the City Clerk's Office at 650-726-8271. A 48-hour notification will enable the City to make reasonable accommodations to ensure accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II).

http://hmbcity.com/

SPECIAL REMOTE PROTOCOLS

In accordance with Governor Newsom's Executive Order No-29-20, this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. This meeting will be conducted entirely by remote participation, in compliance with the Governor's Executive Order N-29-20 allowing for deviation of teleconference rules required by the Ralph M. Brown Act.

This meeting will be conducted via Zoom Webinar. Members of the public are welcome to login into the webinar as Attendees. During any public comment portions, attendees may use the "raise your hand" feature and will be called upon and unmuted when it is their turn to speak. The meeting will also be streamed on Facebook at www.facebook.com/cityofhalfmoonbay. Please click to join the webinar: https://zoom.us/j/91064388857 or join by phone at 669-900-9128, using Webinar ID 910-6438-8857.

CONVENE SPECIAL MEETING / ROLL CALL

1.. DISCUSSION ITEMS

1.A. RATIFY PROCLAMATION OF LOCAL EMERGENCY RELATED TO CZU COMPLEX FIRES AND CONFIRM ORDERS OF THE DIRECTOR OF EMERGENCY SERVICES FOR TEMPORARY BEACH CLOSURES ON AUGUST 21-23 AND 29-30, 2020 TO PREVENT THE SPREAD OF COVID-19 AND PROTECT EVACUATION ROUTES

Staff Recommendation: Adopt a resolution ratifying the Director of Emergency Services' (Half Moon Bay City Manager) Proclamation of Local Emergency related to the CZU Lightening Complex Fires and confirming orders temporarily closing beaches on August 21-23 and 29-31, 2020 to prevent the spread of COVID-19 and to protect evacuation routes.

Alternatively, if the Council decides not to ratify the Temporary Closure of Beaches and Beach Parking Areas from sunrise August 29 to sunrise August 31, 2020, the beaches and parking areas would stay open this upcoming weekend.

STAFF REPORT

RESOLUTION

1.B. DISCUSSION AND DIRECTION REGARDING POTENTIAL LABOR DAY BEACH CLOSURE

ADJOURN SPECIAL MEETING

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **August 28, 2020**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

FROM: Catherine Engberg, City Attorney

TITLE: **RATIFY PROCLAMATION OF LOCAL EMERGENCY RELATED TO CZU COMPLEX FIRES AND CONFIRM ORDERS OF THE DIRECTOR OF EMERGENCY SERVICES FOR TEMPORARY BEACH CLOSURES ON AUGUST 21-23 AND 29-30, 2020 TO PREVENT THE SPREAD OF COVID-19 AND PROTECT EVACUATION ROUTES**

RECOMMENDATION:
Adopt a resolution ratifying the Director of Emergency Services' (Half Moon Bay City Manager) Proclamation of Local Emergency related to the CZU Lightening Complex Fires and confirming orders temporarily closing beaches on August 21-23 and 29-31, 2020 to prevent the spread of COVID-19 and to protect evacuation routes.

Alternatively, if the Council decides not to ratify the Temporary Closure of Beaches and Beach Parking Areas from sunrise August 29 to sunrise August 31, 2020, the beaches and parking areas would stay open this upcoming weekend.

FISCAL IMPACT:
To be determined. The Proclamation of Local Emergency is a prerequisite for requesting state or federal assistance. The City will seek to recover expenses related to temporary beach closures.

BACKGROUND:
On March 17, 2020, the City Council adopted Resolution No. C-2020-16 proclaiming that a local emergency existed throughout Half Moon Bay as a result of the threat of COVID-19. During a proclaimed emergency, the Director of Emergency Services may issue rules and regulations on any matter reasonably related to the protection of life and property as affected by the emergency, as long as any rules or regulations are confirmed by the City Council.

Large public gatherings present an especially high risk for the community transmission of COVID-19, and the nature of such gatherings make observation and enforcement of required social distancing measures impractical and ineffective. During the Memorial Day holiday weekend, there was a surge of visitors to Half Moon Bay beaches with a majority ignoring face

covering and social distancing regulations. On July 1, 2020, the Half Moon Bay City Manager, acting in his capacity as the Director of Emergency Services, issued the order temporarily closing all City beaches and their parking areas, along with the portion of the Coastal Trail between Seymour Bridge and Kelly Avenue, during the Fourth of July holiday weekend. On July 21, 2020, the City Council confirmed the Order.

On August 19, 2020, the CZU August Lightning Fires in San Mateo and Santa Cruz Counties forced evacuations of many residents of communities in the unincorporated Coastside, many of which are being evacuated to Half Moon Bay. San Mateo County declared a local emergency on August 19, 2020 to aid in providing resources needed to fight the CZU Lightning Complex Fire.

Fire and public safety officials urged people to avoid driving to the San Mateo County coast to keep roadways clear for emergency vehicles as well as residents evacuating from the CZU Lightning Complex Fire. “The number one contribution to the fire-fighting effort everyone can make is to avoid the coast,” said CalFire Deputy Chief Jonathan Cox.

On August 20, 2020, the City Manager issued an order temporarily closing beaches from sunrise August 21 through sunrise August 24, 2020. On August 26, 2020, the City Manager proclaimed a Local Emergency related to the CZU Lightening Complex Fires and issued another order temporarily closing beaches and parking areas from sunrise August 29 to sunrise August 31, 2020.

DISCUSSION:

<u>Ratification of Proclamation of Local Emergency related to CZU Lightening Complex Fires</u>

Pursuant to the HMB Municipal Code and the California Government Code, the Director of Emergency Services’ Proclamation of a Local Emergency must be ratified by the City Council within seven days or the proclamation shall have no further force or effect. Ratification of the Proclamation of Local Emergency allows the City to exercise emergency police powers, such as evacuation; immunity for emergency actions; authorization of issuance of orders and

regulations; activation of preestablished emergency provisions; and is a prerequisite for requesting state or federal assistance.

The City Manager proclaimed the Local Emergency based on several factors:

- The CZU Lightning Complex Fire has forced the evacuation of a great number of residents from the unincorporated south coast area, many of whom have been evacuated to Half Moon Bay.
- Half Moon Bay High School has been designated as a check-in point for evacuees, where they may obtain water, food, information, and other resources.
- Portions of Highways 84 and 35, and Highway 1 south of Half Moon Bay, have been closed due to the fire, leaving only northbound Highway 1 and eastbound Highway 92 as evacuation routes from Half Moon Bay and the coast.
- These factors are compounded by the state of local emergency effective March 17, 2020 related to COVID-19 and are imposing extraordinary requirements and expenses on the City, diverting resources from its day-to-day operations.

The need to continue the local emergency will be brought before the Council for review every 60 days until conditions warrant termination, as required by law.

<u>Confirmation of orders temporarily closing beaches on August 21-23 and 29-31, 2020</u>

The City Manager made these orders to protect fire evacuees, community members, and the general public pursuant to his emergency powers. Government Code section 8630 and HMB Municipal Code section 2.25.060.A.6.a provide that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided that such rules and regulations are confirmed at the earliest practicable time by the City Council. The City Council is now asked to confirm the Order.

The City Manager issued his orders closing beaches on the basis of several factors:

- The closure of the City's beaches is necessary to discourage travel to Half Moon Bay, to prevent unsafe crowding on the City's streets and beaches, and unsafe traffic congestion on evacuation routes.
- Camping reservations at California State Parks along the coast have also been cancelled through Monday, August 31 and beaches and parking lots within the San Mateo County Harbor District will be closed well. Additionally, San Mateo County parks along the coast will be closed. Absence of these closures would have likely resulted in unsafe crowding on the City's beaches.
- State and County health orders require individuals to maintain at least six-foot social distancing from individuals who are not part of the same household or living unit, and large public gatherings present an especially high risk for the community transmission of

COVID-19, and the nature of such gatherings make observation and enforcement of required social distancing measures impractical and ineffective.

Over the August 22 weekend, the City's communications team provided a strong push on social media and other methods (news release, SMC Alert, evening news interviews, etc.) by all agencies involved. Staff received many inquiries regarding enforcement and the number of people at the beach. With the fire burning just south of Half Moon Bay, and the Sheriff's office deployed on the fires, there were not sufficient resources to enforce the closure. Many reports were that traffic was down compared to other weekends and days, so it appears that the message reached enough people that it encouraged them to stay home.

As of the writing of this staff report, the fires are projected to be better contained for the August 29 weekend, but evacuation routes are still critically important to be maintained. City staff is available to enforce the beach closure with shifts all day Saturday and Sunday.

If the Council decides not to ratify the Temporary Closure of Beaches and Beach Parking Areas from sunrise August 29 to sunrise August 31, 2020, the beaches and parking areas would stay open.

ATTACHMENTS:

1. Resolution
   Exhibit A – Local Declaration of Emergency Related to CZU Lightening Complex Fire
   Exhibit B – Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Beach Closure from Sunrise August 21 to Sunrise August 24, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes
   Exhibit C – Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Closure of Beaches and Beach Parking Areas from Sunrise August 29 to Sunrise August 31, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes

RESOLUTION NO. C-2020-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY RATIFYING PROCLAMATION OF A LOCAL EMERGENCY RELATED TO THE CZU COMPLEX FIRES AND CONFIRMING ORDERS OF THE DIRECTOR OF EMERGENCY SERVICES (CITY MANAGER) FOR TEMPORARY BEACH CLOSURES ON AUGUST 21-23 AND 29-31, 2020 TO PREVENT THE SPREAD OF COVID-19 AND PROTECT EVACUATION ROUTES

WHEREAS, Section 2.25.060.A.1 of the Half Moon Bay Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim (subject to ratification by the City Council within seven days) the existence or threatened existence of a local emergency;

WHEREAS, HMB Municipal Code Section 2.25.060.A.6.a states that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided that such rules and regulations are confirmed at the earliest practicable time by the City Council;

WHEREAS on March 16, 2020, the County of San Mateo Health Officer ordered a shelter in place order, which was extended and revised on March 31, 2020, April 29, 2020, May 15, 2020, May 29, 2020, and June 4, 2020;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. C-2020-16 proclaiming that a local emergency now exists throughout Half Moon Bay as a result of the threat of the novel coronavirus (named "COVID-19" by the World Health Organization);

WHEREAS, these large public gatherings present an especially high risk for the community transmission of COVID-19, and the nature of such gatherings make observation and enforcement of required social distancing measures impractical and ineffective;

WHEREAS, the CZU Lightning Complex Fire has forced the evacuation of a great number of residents from the unincorporated south coast area, many of whom have been evacuated to Half Moon Bay;

WHEREAS, Half Moon Bay High School has been designated as a check-in point for evacuees, where they may obtain water, food, information, and other resources;

WHEREAS, portions of Highways 84 and 35, and Highway 1 south of Half Moon Bay, have been closed due to the fire, leaving only northbound Highway 1 and eastbound Highway 92 as evacuation routes from Half Moon Bay and the coast;

WHEREAS, these factors are compounded by the state of local emergency effective March 17, 2020 related to COVID-19 and are imposing extraordinary requirements and expenses on the City, diverting resources from its day-to-day operations;

WHEREAS, the closures were needed to limit the person to person contact among non-household members that occurs annually at large public gatherings during this holiday weekend at beaches and to prevent opportunities for community transmission; and

WHEREAS, the closure of the City's beaches from sunrise August 21 to Sunrise August 24, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes was necessary to discourage travel to those beaches and to prevent unsafe crowding on the City's beaches and to protect evacuation routes from the CZU Complex Fires; and

WHEREAS, the closure of the City's beaches and parking areas from sunrise August 29 to sunrise August 31, 2020 to Prevent the Spread of COVID-19 was necessary to discourage travel to those beaches and to prevent unsafe crowding on the City's beaches and to protect evacuation routes from the CZU Complex Fires.

NOW, THEREFORE, the City Council of the City of Half Moon Bay resolves as follows:

1. The Proclamation of Local Emergency related to the CZU Complex Fires, as issued by the Director of Emergency Services on August 26, 2020, is hereby ratified and confirmed.

2. The City Council has reviewed the need for continuing the declaration of local emergency and finds based on substantial evidence that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19.

3. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of Half Moon Bay, and until such time, the City Council shall review, until the local emergency is terminated, the need for continuing the local emergency.

4. The Director of Emergency Services is hereby directed to report to the City Council within sixty (60) days on the need for further continuing the local emergency.

5. During the existence of said local emergency, the powers, functions and duties of the Director of Emergency Services and the emergency organization of the City shall be those prescribed by state law, by Ordinances and Resolutions of the City, and by the City of Cupertino Emergency Operations Plan.

6. City staff is hereby authorized and directed to take any action that may be necessary or convenient to assist in obtaining federal, state or regional disaster/ emergency relief funding.

7. As provided in Half Moon Bay Municipal Code section 2.40.060 and Government Code section 8634, the Council hereby reaffirms that the Director of Emergency Services is authorized to promulgate orders and regulations necessary to provide for the protection of life and property during the existence of this local emergency.

8. The City Council confirms the August 20, 2020 Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Beach Closure from sunrise August 21 to sunrise August 24, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes.

9. The City Council confirms the August 26, 2020 Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Closure of Beaches and Beach Parking Areas from sunrise August 29 to sunrise August 31, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes.

10. This Resolution shall take effect immediately upon its adoption.

Exhibit A – Local Declaration of Emergency Related to CZU Lightening Complex Fire

Exhibit B – Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Beach Closure from sunrise August 21 to sunrise August 24, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes

Exhibit C – Order of The Director of Emergency Services (Half Moon Bay City Manager) Directing Temporary Closure of Beaches and Beach Parking Areas from sunrise August 29 to sunrise August 31, 2020 to Prevent the Spread of COVID-19 and to Protect Evacuation Routes

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I, the undersigned, hereby certify that the foregoing resolution was duly passed and adopted on the 28th day of August, +2020 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

_____
Jessica Blair, City Clerk

APPROVED:

_____
Adam Eisen, Mayor

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PROCLAMATION BY THE DIRECTOR OF EMERGENCY SERVICES (HALF MOON BAY CITY MANAGER) OF LOCAL EMERGENCY RELATED TO CZU COMPLEX FIRES

WHEREAS, pursuant to California Government Code Sections 8680.9 and 8558(c), a local emergency is a condition of extreme peril to persons or property proclaimed as such by the local agency affected by a natural or manmade disaster;

WHEREAS, the purpose of a local emergency proclamation is to provide extraordinary police powers, immunity for emergency actions, authorize issuance of orders and regulations, request state or federal assistance, and activate pre-established emergency provisions;

WHEREAS, Half Moon Bay Municipal Code Section 2.25.060.A.1 empowers the City Manager, as the Director of Emergency Services, to proclaim (subject to ratification by the City Council within seven days) the existence or threatened existence of a local emergency; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within the City, based on the following:

1) On August 19, 2020, the CZU Lightning Complex Fire in San Mateo and Santa Cruz Counties forced evacuations of many residents of communities in the unincorporated coastside, many of which are being evacuated to Half Moon Bay;

2) Portions of Highways 1, 84 and 35 south of Half Moon Bay have been closed due to the fire, leaving only northbound Highway 1 and eastbound Highway 92 as evacuation routes from Half Moon Bay and the coast; and

3) The San Mateo County Board of Supervisors unanimously declared a local emergency on Aug. 19, 2020 to aid in providing resources needed to fight the CZU Lightning Complex Fire, which it deemed the largest fire San Mateo County has seen in a century;

4) Half Moon Bay High School has been designated an evacuation check in point for residents forced to evacuate from Pescadero, Loma Mar, and other parts of unincorporated San Mateo and Santa Cruz, where they may obtain water, food and other resources, information and hotel vouchers, as available;

5) The City is assisting in the support of wildfire evacuees, lending City staff as well as property and other resources;

6) The emergency related to the CZU Lightening Complex fires are compounded by the simultaneous state of local emergency based on the novel coronavirus (named "COVID-19" by the World Health Organization). On March 17, 2020, the City Council adopted Resolution No. C-2020-16 proclaiming that a local emergency now exists throughout Half Moon Bay as a result of COVID-19; and

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7) On August 20, 2020, the Director of Emergency Services (Half Moon Bay City Manager) issued an emergency order temporarily closing City beaches from sunrise August 21 to sunrise August 24, 2020 to prevent the spread of COVID-19 and to protect evacuation routes related to the CZU Lightning Complex Fire.

WHEREAS, the above facts give rise to conditions of extreme peril to the safety and health of persons within the City; and

WHEREAS, these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and the efforts required to prepare for, respond to, mitigate, and recover from the CZU Lightening Complex fires have and will continue to impose extraordinary requirements and expenses on the City, requiring diversion of resources from day-to-day operations; and

WHEREAS, the City Council of the City of Half Moon Bay is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout the City related to the CZU Lightening Complex fires; and

BE IT FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of this City shall be those prescribed by state law, by ordinance, and resolutions of this City; and that this emergency proclamation shall expire in seven (7) days after issuance unless confirmed and ratified by the City Council of the City of Half Moon Bay.

DATED this 26th day of August, 2020

By: Robert Nisbet
Bob Nisbet

Director of Emergency Services
City of Half Moon Bay

ATTEST:

Jessica Blair
Jessica Blair, City Clerk

1280175.1

ORDER OF THE DIRECTOR OF EMERGENCY SERVICES (HALF MOON BAY CITY MANAGER) DIRECTING TEMPORARY BEACH CLOSURES TO PREVENT THE SPREAD OF COVID-19 AND PROTECT EVACUATION ROUTES RELATED TO THE CZU LIGHTNING COMPLEX FIRE FROM SUNRISE ON AUGUST 21, 2020 THROUGH SUNRISE ON AUGUST 24, 2020

WHEREAS, Section 2.25.060.A.1 of the Half Moon Bay Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session;

WHEREAS, HMB Municipal Code Section 2.25.060.A.6.a states that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided that such rules and regulations are confirmed at the earliest practicable time by the City Council;

WHEREAS on March 16, 2020, the County of San Mateo Health Officer ordered a shelter in place order, which was extended and revised on March 31, 2020, April 29, 2020, May 15, 2020, May 29, 2020, and June 4, 2020;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. C-2020-16 proclaiming that a local emergency now exists throughout Half Moon Bay as a result of the threat of the novel coronavirus (named "COVID-19" by the World Health Organization);

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California and to ensure that the healthcare delivery system is capable of serving all, including those at higher risk and the most vulnerable;

WHEREAS, the County of San Mateo Health Officer, on June 17, 2020, rescinded the Shelter in Place Order but required the continued practice of Social Distancing and Face Covering Requirements;

WHEREAS, San Mateo County and other Bay Area counties continue to experience an increase in COVID-19 cases and hospitalizations;

WHEREAS, there have been surges of visitors to Half Moon Bay beaches throughout the summer, some of whom are ignoring face covering and social distancing regulations;

WHEREAS, large public gatherings present an especially high risk for the community transmission of COVID-19, and the nature of such gatherings make observation and enforcement of required social distancing measures impractical and ineffective;

WHEREAS, this Order furthers Section 13.d of the San Mateo County Health Officer Order No. c19-11, which requires individuals to maintain at least six-foot social distancing from individuals who are not part of the same household or living unit;

WHEREAS, on August 19, 2020, the CZU Lightning Complex Fire in San Mateo and Santa Cruz Counties forced evacuations of many residents of communities in the unincorporated coastside, many of which are being evacuated to Half Moon Bay;

WHEREAS, portions of Highways 1, 84 and 35 south of Half Moon Bay have been closed due to the fire, leaving only northbound Highway 1 and eastbound Highway 92 as evacuation routes from Half Moon Bay and the coast;

WHEREAS, in collaboration with regional partners, the City closed its beaches for the Fourth of July holiday weekend which greatly reduced the number of visitors and traffic to Half Moon Bay and the coast;

WHEREAS, the closure of the City's beaches is necessary to discourage travel to Half Moon Bay, to prevent unsafe crowding on the City's streets and beaches, and unsafe traffic congestion on evacuation routes;

WHEREAS, this Order is needed to limit the person to person contact among non-household members that typically occur at large public gatherings during unusually warm summer weekends to prevent opportunities for community transmission and protect evacuation routes.

NOW, THEREFORE, IT IS HEREBY ORDERED:

SECTION 1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Order.

SECTION 2. Temporary Closure of Beaches.

1. All City beaches are to be temporarily closed to the public as of sunrise on August 21, 2020, until sunrise on August 24, 2020.

2. Enforcement. Any person who violates this Section is subject to administrative citations under HMB Municipal Code Chapter 4.16.

SECTION 3. Severability. If any section, subsection, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Order.

SECTION 4. This order takes precedence over ordinances or resolutions in conflict herewith.

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IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practicable time.

8/20/20
Date

Bob Nisbet, City Manager and
Director of Emergency Services

1279686.1

ORDER NO. 3 OF THE DIRECTOR OF EMERGENCY SERVICES (HALF MOON BAY CITY MANAGER) DIRECTING TEMPORARY BEACH CLOSURES TO PREVENT THE SPREAD OF COVID-19 AND PROTECT EVACUATION ROUTES RELATED TO THE CZU LIGHTNING COMPLEX FIRE FROM SUNRISE ON AUGUST 29, 2020 THROUGH SUNRISE ON AUGUST 31, 2020

WHEREAS, Section 2.25.060.A.1 of the Half Moon Bay Municipal Code empowers the Director of Emergency Services to request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session;

WHEREAS, HMB Municipal Code Section 2.25.060.A.6.a states that the Director of Emergency Services shall have the power during a proclaimed emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, provided that such rules and regulations are confirmed at the earliest practicable time by the City Council;

WHEREAS on March 16, 2020, the County of San Mateo Health Officer ordered a shelter in place order, which was extended and revised on March 31, 2020, April 29, 2020, May 15, 2020, May 29, 2020, and June 4, 2020;

WHEREAS, on March 17, 2020, the City Council adopted Resolution No. C-2020-16 proclaiming that a local emergency now exists throughout Half Moon Bay as a result of the threat of the novel coronavirus (named "COVID-19" by the World Health Organization);

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, ordering all individuals in the State of California to stay home or at their place of residence, except as outlined by the California Department of Public Health, during the COVID-19 pandemic for the preservation of public health and safety throughout California and to ensure that the healthcare delivery system is capable of serving all, including those at higher risk and the most vulnerable;

WHEREAS, the County of San Mateo Health Officer, on June 17, 2020, rescinded the Shelter in Place Order but required the continued practice of Social Distancing and Face Covering Requirements;

WHEREAS, San Mateo County and other Bay Area counties continue to experience an increase in COVID-19 cases and hospitalizations;

WHEREAS, there have been surges of visitors to Half Moon Bay beaches throughout the summer, some of whom are ignoring face covering and social distancing regulations;

WHEREAS, large public gatherings present an especially high risk for the community transmission of COVID-19, and the nature of such gatherings make observation and enforcement of required social distancing measures impractical and ineffective;

WHEREAS, this Order furthers Section 13.d of the San Mateo County Health Officer Order No. c19-11, which requires individuals to maintain at least six-foot social distancing from individuals who are not part of the same household or living unit;

WHEREAS, in collaboration with regional partners, and pursuant to Order of the Director of Emergency Services dated July 1, 2020 ("Order No. 1"), the City closed its beaches for the Fourth of July holiday weekend which greatly reduced the number of visitors and traffic to Half Moon Bay and the coast;

WHEREAS, on August 19, 2020, the CZU Lightning Complex Fire in San Mateo and Santa Cruz Counties forced evacuations of many residents of communities in the unincorporated coastside, many of whom are being evacuated to Half Moon Bay;

WHEREAS, portions of Highways 1, 84 and 35 south of Half Moon Bay have been closed due to the fire, leaving only northbound Highway 1 and eastbound Highway 92 as evacuation routes from Half Moon Bay and the coast;

WHEREAS, in collaboration with regional partners, and pursuant to Order of the Director of Emergency Services dated August 20, 2020 ("Order No. 2"), the City closed its beaches for the weekend of August 21 to August 24, 2020, which served to protect evacuation routes related to the CZU Lightening Complex fire and reduce the spread of COVID-19;

WHEREAS, on August 25, 2020, the Director of Emergency Services (City Manager) proclaimed a state of emergency due to the CZU Lightening Complex Fires. The City is assisting in the support of wildfire evacuees, lending staff and providing City resources; and

WHEREAS, the closure of the City's beaches and their parking areas from August 29 to August 31, 2020 is necessary to discourage travel to Half Moon Bay, to prevent unsafe crowding on the City's streets and beaches, and unsafe traffic congestion on evacuation routes.

NOW, THEREFORE, IT IS HEREBY ORDERED:

SECTION 1. The recitals set forth above are incorporated herein as if fully set forth, are true and correct, and are adopted as findings in support of this Order.

SECTION 2. Temporary Closure of Beaches.

1. All City beaches and their parking areas are to be temporarily closed to the public as of sunrise on Saturday, August 29, 2020, until sunrise on Monday, August 31, 2020.

2. Enforcement. Any person who violates this Section is subject to enforcement and penalties under HMB Municipal Code Title 4 (Code Enforcement), including administrative citations set forth in Chapter 4.16: the fine amount for the first violation is $100, the second violation is $250, and the third violation is $500. This Order may be enforced through any other lawful means, including but not limited to, California Health

and Safety Codes sections 101029, 120295 et seq., and 131082; Government Code section 41601 and Penal Code sections 15 and 836.

SECTION 3. Severability. If any section, subsection, clause, or phrase of this Order is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Order.

SECTION 4. This order takes precedence over ordinances or resolutions in conflict herewith.

IT IS FURTHER ORDERED that the Director of Emergency Services shall request that the City Council confirm this Order at the earliest practicable time.

8/26/20
Date

Robert Nisbet
Bob Nisbet, City Manager and
Director of Emergency Services

1279697.3