RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PETALUMA COMMENDING THE PETALUMA POLICE DEPARTMENT’S COMMITMENT TO ENFORCEMENT OF STATE AND LOCAL HEALTH ORDERS CONCERNING COVID-19 EMPHASIZING INFORMATION SHARING AND SUPPORT TO PETALUMA RESIDENTS AND BUSINESSES AND PURSUING ENFORCEMENT ONLY REGARDING COMMUNITY MEMBERS THAT REFUSE TO COMPLY TO PROTECT THE PUBLIC HEALTH AND SAFETY, DIRECTING THAT THE PETALUMA POLICE DEPARTMENT CONTINUE ITS IMPORTANT WORK PROTECTING LOCAL PUBLIC HEALTH AND SAFETY AND THE LOCAL ECONOMY, AND URGING ALL OTHER SONOMA COUNTY LAW ENFORCEMENT OFFICIALS TO CONTINUE TO ENFORCE STATE AND LOCAL HEALTH ORDERS CONCERNING COVID-19 CONSISTENT WITH ORDERS ISSUED BY GOVERNOR GAVIN NEWSOM PURSUANT TO THE EMERGENCY SERVICES ACT AND APPLICABLE LAW AND LAW ENFORCEMENT PERSONNEL’S SWORN DUTIES TO PROTECT THE HEALTH AND SAFETY OF SONOMA COUNTY RESIDENTS, SO AS TO KEEP THE SONOMA COUNTY COMMUNITY SAFE, AVOID LOSS OF LIFE, AND SUPPORT THE SAFE REOPENING OF SONOMA COUNTY BUSINESSES, SCHOOLS, GOVERNMENT AGENCIES, AND OTHER INSTITUTIONS AND ORGANIZATIONS

WHEREAS, according to the Center for Disease Control and Prevention (CDC), part of the U.S. Department of Health and Human Services:

A. The CDC is responding to an outbreak of respiratory disease caused by a new coronavirus first detected in China and which was subsequently detected in approximately 90 locations internationally, including the United States; and

B. The new coronavirus has been named “SARS-COV-2” and the disease it causes has been named “Coronavirus Disease 2019” (abbreviated as “COVID-19”); and

C. On January 30, 2020, the Health Regulations Emergency Committee of the World Health Organization declared the COVID-19 outbreak to be a “public health emergency of international concern;” and

D. On January 31, 2020, the U.S. Health and Human Services Secretary declared a public health emergency for the United States to aid the nation’s healthcare community in responding to COVID-19; and

E. Many patients at the COVID-19 outbreak epicenter in Wuhan, Hubei Province, China, had some link to a large seafood and live animal market, suggesting animal to person spread of the disease, while later, a growing number of patients reportedly did not have exposure to animal markets, indicating person to person spread, with person to person spread subsequently reported outside of Hubei and China, including in the United States, and with community spread of the
WHEREAS, on March 2, 2020, the County of Sonoma declared a local Public Health Emergency as well as a Local Emergency to respond to COVID-19 to allow the County to prepare to respond to the possibility of community spread of COVID-19, and the County partially activated the County Emergency Operations Center to support necessary activities; and

WHEREAS, on March 2, 2020, the Director of Emergency Services of the City of Santa Rosa proclaimed the existence of a local emergency throughout the City based on findings regarding the threat to the community health posed by COVID-19; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom declared the existence of a state of emergency in California pursuant to the California Emergency Services Act and reported that as of that date, there were more than 94,000 cases of COVID-19 worldwide, resulting in more than 3,000 deaths of COVID-19 worldwide, with 129 confirmed cases of COVID-19 in the U.S., including 53 in California; and

WHEREAS, the Sonoma County Department of Health Services confirmed on March 5, 2020, a second presumptive positive case of COVID-19 in a resident who travelled internationally on the Grand Princess ship from San Francisco to Mexico, and that both Sonoma County patients were in isolation rooms at a local hospital; and

WHEREAS, on March 5, 2020, the Director of Emergency Services for the City of Rohnert Park proclaimed the existence of a local emergency based on findings of peril to the safety of persons and property within the City; and

WHEREAS, on March 9, 2020, Petaluma City Manager Peggy Flynn, in her capacity as the City’s Emergency Services Director, proclaimed a local emergency pursuant to Government Code Section 8558(c) as a result of threats posed by COVID-19 to the health, safety and welfare of Petaluma residents and visitors and to continuity of services provided by the City, other local governments, businesses and non-profit organizations in the City, noting pursuant to Petaluma Municipal Code Section 2.32.060(F)(3) her authority to require emergency service of any City officer or employee, that in accordance with Petaluma Municipal Code section 2.32.090, all officers and employees of the City, along with volunteer forces and groups aiding during an emergency, may be charged with duties incident to the protection of life and property in the City during a proclaimed emergency, and that in accordance with Government Code Section 3100 all public employees are declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law, and in accordance with Government Code Section 8665, refusal or neglect to obey lawful orders issued to disaster service workers is a misdemeanor; and

WHEREAS, on March 16, 2020, the Petaluma City Council adopted resolution No. 2020-040 N.C.S. ratifying the City Manager’s Emergency Proclamation and stated on behalf of the City an intent to take all necessary and appropriate steps to protect the public health and safety and to avoid interrupted services of the City, other local government service providers,
local businesses and nonprofit organizations, and to coordinate with Federal, state and local
governments to deploy resources in a coordinate fashion to help minimize the threat posed by
COVID-19; and

WHEREAS, since adoption of the City’s emergency proclamation, other local
governments throughout the nation and national, state and local governments in other countries
have issued emergency declarations in response to COVID-19; and

WHEREAS, following the California State and Sonoma County emergency declarations,
President Trump proclaimed on March 13, 2020, the existence of a national emergency due to
COVID-19, and on March 18, 2020, the Sonoma County Health Officer issued Order C19-03
requiring Sonoma County residents to shelter in place, subject to specified exceptions for
providing and receiving essential services, and Governor Newsom issued a statewide sheltering
order on March 19, 2020, with exceptions for maintaining continuity of the federal critical
infrastructure sectors; and

WHEREAS, since the initial state and Sonoma County shelter orders have been issued,
both orders have been modified and additional orders have been issued to expand sheltering
requirements, and more recently, to begin relaxing specified sheltering requirements to begin to
permit business and other activities such as outdoor activities to resume, subject to public safety
measures including social distancing, facial covering and other sanitation requirements necessary
to prevent further spread of COVID-19; and

WHEREAS, COVID-19 has continued to spread throughout the United States and
Sonoma County, with deaths in the United States due to the virus now exceeding 100,000 lives
lost, with 3 lives lost in Sonoma County, and currently 531 cases of COVID-19 in Sonoma
County; and

WHEREAS, in accordance with Governor Newsom’s Executive Order N-25-20, all
California residents are ordered to heed any ordinance and guidance of state and local public
health officials, including but not limited to the imposition of social distancing measures to
control the spread of COVID-19; and

WHEREAS, in accordance with Health and Safety Code Section 101040, local health
officers may take any preventive measure that may be necessary to protect and preserve the
public health from any public health hazard during any state of emergency or local emergency as
defined by Section 8558 of the Government Code within his or her jurisdiction; and

WHEREAS, the Sonoma County Health Officer has requested the Sonoma County
Sheriff and the Sonoma County Chiefs of Police to enforce her health orders concerning
COVID-19 as necessary to protect the public health and safety; and

WHEREAS, on Thursday, May 28, Sonoma County Sheriff Mark Essick posted a
statement on social media stating that he and his department will no longer enforce the County’s
health order, and continues to hold that assertion to-date, which not only jeopardizes the health
and safety of our community but undermines other law enforcement agencies who are enforcing
the local order, including the Petaluma Police Department; and

WHEREAS, the Petaluma Police Department, under the leadership of Chief Ken Savano
have been active throughout the Petaluma community sharing information, answering questions
and supporting community residents and business owners in complying with current health
orders, and only pursuing enforcement action regarding community member that refuse to
comply to protect the public health and safety;

NOW, THEREFORE, be it resolved by the City Council of the City of Petaluma as
follows:

1. The above recitals are hereby declared to be true and correct and are hereby incorporated
into this resolution as findings of the City Council.
2. The Petaluma Police Department, and each Department member, under the leadership of
Chief Ken Savano, are hereby commended for their efforts to share information, answer
questions and support residents and business owners in the Petaluma community in
complying with current health orders, and only pursuing enforcement action regarding
community members that refuse to comply to protect the public health and safety.
3. The Petaluma Police Department, and each Department member, under the leadership of
Chief Ken Savano are hereby directed to continue their important work protecting the
local public health and safety and the local economy by assisting Petaluma residents and
business owners in complying with current state and local health orders, pursuing
enforcement action only as necessary regarding community members that refuse to
comply as need to protect the public health and safety.
4. All other Sonoma County law enforcement officials are hereby urged to continue to
enforce applicable state and local health orders concerning COVID-19 consistent with the
orders issued by Governor Newsom pursuant to the Emergency Services Act  and
applicable law and law enforcement personnel’s sworn duties to protect the health and
safety of Sonoma County residents so as to keep the Sonoma County community safe,
avoid loss of life, and support the safe reopening of Sonoma County businesses, schools,
government agencies, and other institutions and organizations.
5. The City Council denounces any decisions by local law enforcement officials, such as
that recently announced on behalf of Sheriff Mark Essick, to not enforce local health
orders, despite the related serious risk to the public health and safety and the economy,
and despite the direction of Governor Newsom that all state and local health orders
should be heeded.
5.6. The City Council requests that if Sheriff Essick continues to work separately from, and
counter to, other Sonoma County law enforcement agencies who are committed to
protecting the community from a resurgence of COVID-19, that he consider stepping
down from his position as Sonoma County Sheriff to allow for leadership that will be
committed to uniting, not dividing our County, especially during times of crisis.