

**DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.5**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issue Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors;

WHEREAS, on March 23, 2020, the Director issued the City of Menlo Park Director of Emergency Services/City Manager Order (“Order”) No. 1 temporarily suspending all construction activity in the City of Menlo Park. The Order was based in part on the City’s lack of personal protective gear (PPE) to protect its employees from the spread of the COVID 19 virus, the lack of established construction project safety protocols and the inability of adequate supervision and deployment of building inspectors;

WHEREAS, recognizing the need to continue to limit the transmission of COVID-19, on April 29, 2020, the County Health Officer ordered the shelter-in-place to continue through May 31, 2020. However, the order also allows some businesses to open that could not operate under the


previous order and allows some low-risk activities to resume (e.g. outdoor businesses, landscapers and gardeners). In addition, the April 29 order allows additional outdoor recreation activity to resume provided it conforms with the social distancing and health/safety protocols contained in the order and other restrictions established by the entity that manages such area to reduce crowding and risk of transmission of COVID-19; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

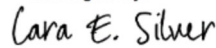
NOW, THEREFORE, the Director of Emergency Services does hereby make the following order:

1. Effective 7:00 a.m. on May 9, 2020, Order Number 3 is hereby rescinded and superseded by this Order No. 5.
2. Bedwell Bayfront Park shall be open to the public subject to social distancing and health/safety protocols established by the City Manager.
3. The City Manager reserves the right to modify this order if any of the following conditions occur:
  - a. Park users are not following the social distancing and health/safety protocols established by the City Manager;
  - b. The City is not able to provide sufficient monitors to ensure the safe use of the park;
  - c. The number of COVID 19 cases increases significantly; and
  - d. Other operational constraints make park opening unsafe or infeasible.

Dated: 5/8/2020

DocuSigned by:  
  
 6BD907BD261744C  
 \_\_\_\_\_  
 City Manager

Approved as to Form:

DocuSigned by:  
  
 CD6C536794F8481  
 \_\_\_\_\_  
 Interim City Attorney