Special Meeting of the Concord City Council/City Council Sitting as the Concord/Pleasant Hill Health Care District

Thursday, March 19, 2020
6:00 p.m. - Open Session

Civic Center
1950 Parkside Drive
Concord, CA 94519
www.cityofconcord.org

Information for the public on participation at Council meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the City Clerk prior to the Council meeting.

AGENDIZED ITEMS – The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

CORONAVIRUS DISEASE (COVID-19) ADVISORY WARNING

The Contra Costa County Health Department has ordered individuals in Contra Costa County to “shelter in place”. The California Department of Public Health issued its “Mass Gatherings Guidance on Novel Coronavirus or COVID-19” followed by a recommendation that certain gatherings in California be postponed or canceled. The Governor of the State of California issued Executive Order N-25-20 which, among other things, orders that all California residents are to “. . . heed any orders 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. That means residents must observe State, County, and City of Concord rules and guidelines.

City of Concord Rules: The City of Concord has declared a local state of emergency due to COVID-19. Pursuant to that declaration, the City of Concord has defined “social distancing” as 6 feet (2 meters), and intends to maintain lists of all attendees to help local public health with contact tracing if a COVID-19 case is later identified as having attended the event. This Concord City Council meeting is an essential event, therefore it has not been cancelled. However, the members of the public must follow the above City of Concord rules and California Department of Health’s guidance.

How to Help:
Please stay home. Even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus.
Under Executive Order N-25-20, City of Concord officials and staff may participate in this meeting via teleconference. In the interest of maintaining appropriate social distancing, members of the public may also participate in the meeting remotely. Below is information on how to do that.

How to Watch the Meeting:
- Watch on TV on Comcast Channel 28, Wave Channel 29, and U-verse Channel 99
- Watch the TV broadcast through the City’s website by following THIS LINK
- Watching Live Streaming of the meeting by following THIS LINK

How to Submit Public Comments:
Written/Read Aloud: Please email your comments to cityclerk@cityofconcord.org prior to or during the meeting and until the public comment period on the relevant agenda item is closed, write “Public Comment” in the subject line; in the body of the email include the agenda item number and title as well as your comments. If you would like your comment read aloud at the meeting (not to exceed three minutes at staff’s cadence), prominently write “Read Aloud at Meeting” at the top of the email. In addition, all comments received before 4:00 pm the day of the meeting will be posted on the City’s website as "Correspondence" under the relevant agenda item and provided to the City Council members at the meeting.

In Person: If you attend the meeting, social distancing will be required. If you cannot enter the venue due to social distancing requirements or capacity limitations, comment cards will be available outside. Please fill one out; a staff member will collect the cards and call you when it is your turn to speak. Unless space has become available, you will need to leave the Council Chamber after giving your comments in order to observe social distancing requirements.

Special Meeting of the Concord City Council/City Council Sitting as the Concord/Pleasant Hill Healthcare District

1. OPENING

Roll Call

Pledge to the Flag – Councilmember Hoffmeister

2. CITY COUNCIL CONSIDERATION ITEM
The public is entitled to address the City Council on items appearing on the agenda before or during the City Council’s consideration of that item. Each speaker will be limited to approximately three minutes.

a. Receiving – an update on the COVID-19 Response in the City of Concord and Considering – (1) adoption of a Resolution ratifying the Director of Emergency Services Proclamation of Local Emergency, (2) authorizing the City Manager to allocate and expend up to $200,000 to support seniors with food needs and individuals without shelter all of whom are “at higher risk” due to the COVID-19 pandemic ($90,000 Concord/Pleasant Hill Health Care District funding/$110,000 unallocated general fund), and (3) providing direction to staff to draft an emergency ordinance to halt evictions for renters
(residential and commercial) and homeowners, slow foreclosures, and protect against utility shutoffs for Californians affected by COVID-19 to be brought before Council for consideration as soon as feasible. **Report by Valerie Barone, City Manager.**

CEQA: Not a project/statutorily exempt/categorically exempt under Public Resources Code Sections 21065, 21080, 21080(b), CEQA Guidelines Sections 15060(c)(2), 15062(b)(3), 15267, 15269, 15321, and/or 15378.

3. **CORRESPONDENCE**
   Correspondence received at the City Council meeting will be listed here on the Annotated Agenda.

4. **ADJOURNMENT**

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS** - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator Tianjun Cao at (925) 671-3243, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

If you wish to submit public comment prior to the City Council meeting, please e-mail the City Clerk’s office at cityclerk@cityofconcord.org. If you need accommodation for public comment such as a portable microphone, please include the request on the Speaker Identification Card that is turned in prior to speaking.

The following is a list of regular **Council Committee** meeting dates. Most meetings are held in the Garden Conference Room, 1950 Parkside Drive, Concord. **NOTE:** Meetings are subject to change or cancellation. **For latest information and committee agendas please call 671-3495.**

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Next Meeting: Regular Meeting
Date: 3/24/2020 6:30 p.m.
Staff Report

Date: March 19, 2020
To: City Council
From: Valerie J. Barone, City Manager
Prepared by: Joelle Fockler, MMC, City Clerk
   Joelle.fockler@cityofconcord.org
   (925) 671-3390

Subject: Receiving an update on the COVID-19 Response in the City of Concord and Considering (1) adoption of a Resolution ratifying the Director of Emergency Services Proclamation of Local Emergency, (2) authorizing the City Manager to allocate and expend up to $200,000 to support seniors with food needs and individuals without shelter all of whom are “at higher risk” due to the COVID-19 pandemic ($90,000 Concord/Pleasant Hill Health Care District funding/$110,000 unallocated general fund), and (3) providing direction to staff to draft an emergency ordinance to halt evictions for renters (residential and commercial) and homeowners, slow foreclosures, and protect against utility shutoffs for Californians affected by COVID-19 to be brought before Council for consideration as soon as feasible.

CEQA: Not a project/statutorily exempt/categorically exempt under Public Resources Code Sections 21065, 21080, 21080.10(b), CEQA Guidelines Sections 15060(c)(2), 15061(b)(3), 15267, 15269, 15321 and/or 15378

Report in Brief
At the meeting a County Health official will provide an update on the COVID-19 situation in Contra Costa County and the City Manager will provide an update on the City’s response to the Health Order. After the presentation, Council will be requested to take a number of actions that allow the City to more fully respond to the COVID-19 pandemic emergency.
Recommended Action

(1) Adopt the Resolution ratifying the Director of Emergency Services Proclamation of Local Emergency.

(2) Authorize the City Manager to allocate and expend up to $200,000 ($90,000 from the Concord/Pleasant Hill Health Care District fund and $110,000 of unallocated general fund money (reserves)) to support seniors with food needs and individuals without shelter all of whom are “at higher risk” due to the COVID-19 pandemic and

(3) Direct staff to draft an emergency ordinance to halt evictions for renters (residential and commercial) and homeowners, slow foreclosures, and protect against utility shutoffs for those affected by the COVID-19 pandemic to be brought before Council for consideration as soon as feasible.

Background

COVID-19, an infectious disease in humans that is caused by a novel coronavirus, first detected in Wuhan City, Hubei Province, China, in December 2019, has emerged as a world-wide pandemic. According to a March 3, 2020, situation report by the World Health Organization, the disease has spread to at least 72 nations across the globe, including the United States. As of March 3, there were 90,870 confirmed cases, 80,304 in China and 10,556 cases outside of China. In recent days, there have been more new cases outside of China than within China. Of 105 confirmed cases in the United States as of March 3, 43 were in California and 26 were in the San Francisco Bay Area. Five cases have been treated in Contra Costa County as of March 4, with the most recent determined to have been community-acquired. The public has no known natural immunity to the virus that causes COVID-19, and there is currently no vaccine to offer protection to the public. Treatment options are limited.

On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern. On January 31, 2020, the Secretary of Health and Human Services declared that the coronavirus presents a public health emergency in the United States, and President Trump issued a proclamation suspending entries into the United States by foreign nationals who had been present in China in the previous two weeks. As of February 2, 2020, U.S. citizens returning to the United States from Hubei Province have been subject to mandatory quarantines, and those returning from other areas in China undergo screening and monitored self-quarantines. Symptomatic persons are placed in federal quarantine at federal facilities, one being at Travis Air Force base in Solano County.

The Governor of the State of California proclaimed a State of Emergency as of March 4, 2020. As of March 10, local emergencies related to COVID-19 have been declared in Alameda, Contra Costa, Marin, San Francisco, and Santa Clara counties. On March 16, the Governor issued Executive Order N-28-20 authorizing local governments to halt
evictions for renters (residential and commercial) and homeowners, slow foreclosures, and protect against utility shutoffs for Californians affected by COVID-19 (Attachment 3). Subsequently, PG&E voluntarily stopped all utility shutoffs during the COVID-19 pandemic. Additionally, the County Sheriff worked with the Courts to end all evictions in the County during the tenure of the shelter-in-place order.

Concord Municipal Code (CMC) Chapter 2.30 (Civil Emergencies) Section 2.30.050(a) creates the office of Director of Emergency Services and states that the City Manager shall be the Director of Emergency Services. Section 2.30.060(a) 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 not in session. Under Section 2.30.060(a)(1), whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter.

On Friday, March 13, the City Manager, acting as the Director of Emergency Services, proclaimed an emergency in the City of Concord (Attachment 2), and now the Council is requested to consider adopting a Resolution ratifying the proclamation. The Council’s ratification of the proclamation will (1) further ensure legal immunities for emergency actions taken by the City; (2) facilitate requests by the City and other local governments for state and federal assistance under the State and Federal Disaster Assistance Programs; and (3) allow the City Manager, or other authorized official, to take preventive measures necessary to protect and preserve public health and safety. For the emergency declaration to remain in-force, Council must ratify it.

**Analysis**

Three actions are proposed for Council action; each is discussed briefly below:

**Ratify the Declaration of a Local Emergency**

Council must act to ratify the City Manager’s declaration of a local emergency for the City to continue to operate under the emergency order during the time of the COVID-19 pandemic.

**Authorize the Expenditure of Up to $200,000 to Support Those Most At Risk From the COVID-19 Pandemic**

The request is to create funding to allow the City to provide temporary emergency support to the community’s vulnerable populations during the COVID-19 pandemic. The two populations targeted for support with this up-to-$200,000 in funding are seniors and the unsheltered.

**Seniors:** The Mayor and Vice Mayor have been working with Meals on Wheels Diablo Region to increase capacity for food delivery to seniors whom are sheltering in place during the COVID-19 pandemic. The concept is to use the MDUSD central kitchen and create additional meals for delivery to the homes of seniors who self-identify as being in-need of food during the COVID-19 outbreak. Each meal is anticipated to cost
approximately $2.50 to prepare. Delivery is anticipated to be performed by volunteers and emergency workers. The total cost of this program is unknown at this time, as it depends upon how many seniors participate and how long the current emergency lasts.

Unsheltered: The County has indicated that they are at capacity in terms of being able to house individuals without shelter, and that the COVID-19 pandemic requires County efforts to be on identifying housing for those that need isolation or self-quarantining due to being ill and awaiting test results. This leaves the not-yet-ill unsheltered individuals with higher risk for serious illness from COVID-19 (seniors and those with certain health conditions), as well as unsheltered families, without any new housing support during the pandemic. City staff is proposing to address this situation with an emergency and temporary program. The City has identified two motels in Concord and secured a total of ten rooms to support this program. The City will partner with CORE to identify individuals and families in the greatest need. CORE staff would also check in with each person assigned a hotel room during their tenure in the emergency shelter program and search for longer-term solutions. The cost of this program is not known at this point as it will depend upon how long the pandemic occurs.

Additionally, the City Manager is requesting flexibility to spend these funds in other ways she determines appropriate that help protect both the unsheltered population and mitigate the spread of the Coronavirus, such as additional supplies for the CORE staff to provide to the unsheltered in our community. If this funding is approved, City Manager Barone will reach out to the Pleasant Hill City Manager to make sure they too have access to a portion of the Health Care District funding, as they are part of the Health Care District. Any money made available would be proportional to Pleasant Hill’s participation in the Health Care District revenue generation and any housing of unsheltered Pleasant Hill residents would occur within Pleasant Hill’s City limits.

Financial Impact
The estimated costs in responding to COVID-19 are unknown and will vary based on the longevity of the pandemic. Staff will pursue federal and State reimbursement for eligible emergency response costs incurred.

The $90,000 recommended to come from the Concord/Pleasant Hill Health Care District is unallocated reserve. It will not impact any organizations currently funded through the Health Care District.

The $110,000 recommended to come from unallocated general fund reserves would impact the City’s General Fund. However, the Council recently took steps to return the General Fund reserve to 30% for this fiscal year, so the impact would be minimal.
It is worth noting, however, that City staff expects that City revenues will likely be depressed for the remainder of this fiscal year due to the COVID-19 pandemic. However, we have no capacity to make estimates of this impact at this time, as so much remains unknown about the breadth and timeframe of these impacts.

**Environmental Determination**

These actions exempt from CEQA pursuant to Public Resources Code Sections 21080(b) relating to emergencies, 21080.10, CEQA Guidelines Sections 15267 (Financial assistance to low or moderate income housing), 15269(c) (Specific actions necessary to prevent or mitigate an emergency), and/or 15321 (Enforcement actions by regulatory agencies). In addition, these actions exempt from CEQA as they do not constitute a "project" within the meaning of Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2), and/or 15378. If any of these actions were determined to be a "project" for CEQA analysis, these actions fall within the "Common Sense" exemption set forth in CEQA Guidelines Section 15061(b)(3). No unusual circumstances exist and none of the exceptions under CEQA Guidelines Section 15300.2 apply. Individual projects will undergo CEQA analysis as necessary.

**Public Contact**

The City Council Agenda was posted.

**Attachments**

1. Resolution Ratifying Proclamation of Local Emergency
2. Director of Emergency Services Proclamation of Local Emergency
3. Executive Order N-28-20
WHEREAS, California Government Code Sections 8558 and 8630 empower the City of Concord to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City's territorial limits; and

WHEREAS, Concord Municipal Code Chapter 2.30 (Civil Emergencies) empowers the City Manager in her capacity as Director of Emergency Services (“Director”), to proclaim a local emergency when the City Council is not in session and request City Council ratification thereof; and

WHEREAS, the Director has proclaimed a local emergency and requested a Governor’s Proclamation as set forth in Attachment 1 (Director of Emergency Services Proclamation of Local Emergency) and has requested City Council ratification thereof; and

WHEREAS, this Resolution is intended to ratify the Local Proclamation; and

WHEREAS, the City Council, after giving all public notices required by State Law and the Concord Municipal Code, held a duly noticed special public meeting on March 12, 2020, on this Resolution during which applicable requirements were discussed, considered testimony and information received at the public hearing and the oral and written reports from City staff dated March 12, 2020 (collectively, “Information”); and

WHEREAS, the Information constitutes the record of proceedings in this matter, upon which the City Council has based this Resolution, and is located in and may be obtained from the City of Concord City Clerk, 1950 Parkside Drive, Concord, CA 94519; and

WHEREAS, the City Council has declared their intent to pass and adopt this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CONCORD DOES RESOLVE AS FOLLOWS:

Section 1. The recitals above and in the attachments hereto are true and correct and
incorporated herein by reference. The recitals above and in the attachments hereto constitute findings in this matter, and together with the Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution.

Section 2. The City Council hereby ratifies the Director of Emergency Services Proclamation of Local Emergency and declares a local emergency. A local emergency now exists throughout the City of Concord.

Section 3. The Director or designee is designated as the authorized representative of the City of Concord for the purposes of receiving, processing, and coordinating all inquiries and requirements necessary to obtain available state, federal, and other resources and funds.

Section 4. The Director or designee shall forward a copy of this resolution to the Director of the California Governor’s Office of Emergency Services.

Section 5. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Concord on March 19, 2020, by the following vote:

AYES: Councilmembers -

NOES: Councilmembers -

ABSTAIN: Councilmembers -

ABSENT: Councilmembers -

I HEREBY CERTIFY that the foregoing Resolution No. 20-XX was duly and regularly adopted at a regular meeting of the City Council of the City of Concord on March 19, 2020.

Joelle Fockler, MMC
City Clerk

APPROVED AS TO FORM:

Susanne Meyer Brown
City Attorney
CITY OF CONCORD
DIRECTOR OF EMERGENCY SERVICES
PROCLAMATION OF LOCAL EMERGENCY

WHEREAS, Concord Municipal Code Chapter 2.30 (Civil Emergencies) and California Government Code Section 8558 define “emergency” and “local emergency” (respectively) as “existence of conditions of disaster or of extreme peril to the safety of persons and property” within specified territorial limits, including those cause by epidemic, which “are or are likely to be beyond the control of the services, personnel, equipment, and facilities” of a particular political subdivision such as the City of Concord, and which require “the combined forces of other political subdivisions to combat...” Such conditions are referred to herein as “local emergency.”

WHEREAS, California Government Code Sections 8558 and 8630 empower the City of Concord to proclaim the existence of a local emergency when the City is affected or likely to be affected by conditions of disaster or of extreme peril to the safety of persons and property within the City’s territorial limits; and

WHEREAS, Concord Municipal Code Chapter 2.30 (Civil Emergencies) empowers the City Manager in her capacity as Director of Emergency Services (“Director”), to proclaim a local emergency when the City Council is not in session and request City Council ratification thereof.

WHEREAS, the Director hereby makes the following findings:

1. The United States of America has confirmed cases of individuals who have a severe acute respiratory illness caused by a novel (new) corona virus (“COVID-19” or “the virus”) first detected in Wuhan, Hubei Province, People’s Republic of China (“China”). The virus was first reported in China on December 31, 2019. As of March 2, 2020, the World Health Organization (“WHO”) has reported more than 3,000 deaths stemming from over 100,000 confirmed cases of COVID-19 and the virus is present in 100 countries. The number of confirmed cases has continued to escalate dramatically over a short period of time; and

2. WHO officials now report that sustained human-to-human transmission of the virus is occurring. Transmission from asymptomatic individuals has been documented. Suspected community transmission of the virus is occurring in the United States. Although the majority of individuals
infected with COVID-19 recover from the disease without special treatment, there is significant
potential for serious infection and death; and

3. On January 30, 2020, WHO declared the COVID-19 outbreak a public health
emergency of international concern, and on January 31, 2020, the U.S. Department of Health and
Human Services declared a Public Health Emergency for the United States of America; and

4. The United States Centers for Disease Control and Prevention (CDC) has determined
that the virus presents a serious public health threat, requiring coordination among state and local
health departments to ensure readiness for potential health threats associated with the virus; and

5. On March 7, 2020, the California Department of Public Health issued its “Mass
Gatherings Guidance on Novel Coronavirus or COVID-19” followed by a March 12, 2020
recommendation that certain gatherings in California be postponed or canceled for the remainder of
March; and

6. On March 10, 2020, due to the introduction of COVID-19, the Contra Costa County
Board of Supervisors proclaimed the existence of a local emergency throughout Contra Costa County
(County Resolution No. 2020/92); and

7. On March 10, 2020, the Contra Costa County Board of Supervisors requested that the
Governor proclaim Contra Costa County to be in a state of emergency (County Resolution No.
2020/91); and

8. On March 10, 2020, Contra Costa Health Services issued “Novel Coronavirus
(COVID-19) Interim Guidance for Social Distancing;” and

9. On March 4, 2020, the Governor of California proclaimed a state of emergency to exist
in California as a result of the threat of COVID-19; and

10. On March 12, the Governor of the State of California issued Executive Order N-25-20
which, among other things, orders that all California residents are to “. . . heed any orders 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

11. The City of Concord is located in Contra Costa County, in the State of California; and

12. Actual or threatened conditions of disaster or extreme peril to the safety of persons and
property have arisen within the City of Concord caused by the introduction COVID-19, as to which there is no known natural immunity and for which there is currently no vaccine, which has become a pandemic, and which is contributing to a shortage of essential health care supplies; and

13. These actual or threatened conditions of disaster or extreme peril will impact significant City and community operations, including critical public infrastructure and services, and which will require the provision of additional public safety and emergency services; and

14. The locally available resources are inadequate to cope with the actual or threatened conditions of disaster or extreme peril because, by reason if its magnitude, it is or is likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Concord, and will require the combined forces of a mutual aid region or regions to combat; these conditions satisfy the circumstances described in Government Code section 8558; and

15. These actual or threatened conditions of disaster or extreme peril necessitate the proclamation of a local emergency to enable the City of Concord and other government entities to adequately plan, prepare and preposition resources to be able to effectively respond to the threat posed by COVID-19, and to warn City of Concord residents and visitors of the threat posed by COVID-19 and to enable them sufficient time to plan and prepare; and

16. At the time of this “Director of Emergency Services Proclamation of Local Emergency” the City Council is not in session and cannot immediately be called into session.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED:

1. A local emergency exists throughout the City of Concord, commencing on or about the time and date of the signature of the Director, below.

2. During the existence of the local emergency, the powers, functions, and duties of the Director and City of Concord’s emergency organization shall be those prescribed by state law, by City of Concord ordinances and resolutions, and by the City of Concord Emergency Operations Plan, as approved by Concord City Council on March 22, 2016 (Resolution #16-19).

3. Concord Municipal Code Section 2.30.060(a)(6) provides as follows:

   In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the state Office of Emergency Services,
or the existence of a “state of war emergency,” the Director is hereby empowered:

a. To make and issue rules and regulations on matters reasonably related to the
   protection of life and property as affected by such emergency; provided, however, such rules and
   regulations must be confirmed at the earliest practicable time by the City Council;

b. To obtain vital supplies, equipment, and such other properties found lacking
   and needed for the protection of life and property; and to bind the city for the fair value thereof; and, if
   required immediately, to commandeer the same for public use;

c. To require emergency services of any city officer or employee and, in the event
   of the proclamation of a “state of emergency” in the county in which this city is located or the
   existence of a “state of war emergency,” to command the aid of as many citizens of this community as
   he deems necessary in the execution of his duties; such persons shall be entitled to all privileges,
   benefits, and immunities as are provided by state law for registered disaster service workers;

d. To requisition necessary personnel or material of any city department or
   agency; and

e. To execute all of his [her] ordinary powers as City Manager; all of the special
   powers conferred upon him [her] by this chapter or by resolution or emergency plan pursuant hereto
   adopted by the City Council; and all powers conferred upon him [her] by any statute, by any
   agreement approved by the City Council, and by any other lawful authority.

4. This “Director of Emergency Services Proclamation of Local Emergency” shall remain
in effect for the next seven (7) days, and thereafter by ratification of the City Council.

DECLARED this 13th day of March, 2020.

Valerie J. Barone
City Manager

Joelle Fockler, MMC
City Clerk
EXECUTIVE ORDER N-28-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

WHEREAS the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

WHEREAS many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

WHEREAS Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

WHEREAS because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

WHEREAS local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

WHEREAS local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

WHEREAS in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and
WHEREAS many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

WHEREAS many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.

2) Any provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq., or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:

   (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and

   (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any
occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.

4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.

5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.
I FURTHER DIRECT that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State