

RESOLUTION NO. 2020 _____

1
2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**
3 **CULVER CITY, CALIFORNIA, CONFIRMING THE APRIL 1, 2020**
4 **THIRD SUPPLEMENT TO PUBLIC ORDER ISSUED BY THE**
5 **CITY MANAGER, AS THE DIRECTOR OF EMERGENCY**
6 **SERVICES, UNDER CITY OF CULVER CITY EMERGENCY**
7 **AUTHORITY, ALLOWING FIREARMS RETAILERS TO**
8 **CONDUCT BUSINESS, INCLUDING NEW SALES AND**
9 **TRANSFERS, DURING THE COVID-19 LOCAL EMERGENCY,**
10 **CONSISTENT WITH U.S. DEPARTMENT OF HOMELAND**
11 **SECURITY CYBERSECURITY & INFRASTRUCTURE SECURITY**
12 **AGENCY (CISA) ADVISORY GUIDANCE AND THE LOS**
13 **ANGELES COUNTY POSITIONS REGARDING FIREARMS**
14 **RETAILERS.**

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16 WHEREAS, since February 2020, the City of Culver City has been part of a
17 coordinated response involving the federal Centers for Disease Control and Prevention, the
18 California Department of Public Health, and the Los Angeles County Department of Public
19 Health as a result of the rapidly evolving multinational outbreak of the coronavirus respiratory
20 disease (COVID-19); and

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22 WHEREAS, as of April 1, 2020, the World Health Organization reports 827,419
23 confirmed COVID-19 cases globally and 40,777 deaths; Johns Hopkins University reports
24 189,753 cases nationally, with 4,090 deaths, and 8584 reported California cases with 183
25 deaths; and the Los Angeles County Department of Public Health reports 3,037 cases and 54
26 deaths, which includes 15 cases and one death in Culver City. As there is a rapid increase in
27 cases and ongoing significant risk of infection throughout the United States and the State of
28 California, the federal Centers for Disease Control and Prevention and the California
Department of Public Health are recommending that counties and cities throughout the U.S.
continue to actively address the COVID-19 pandemic and implement aggressive measures to
prevent the spread of COVID-19; and

1 WHEREAS, pursuant to the authority granted by Culver City Municipal Code
2 (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of
3 Emergency Services, issued a Proclamation of Local Emergency due to the outbreak and
4 spread of COVID-19, which was ratified by the City Council on March 18, 2020 by Resolution
5 No. 2020-R015. Such action followed the Los Angeles County Department of Public Health's
6 and the Chair of the Board of Supervisor's declarations of a local health emergency and the
7 State of California's declaration of a State of Emergency on March 4, 2020, and the
8 President's declaration of a National Emergency on March 13, 2020; and
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10 WHEREAS, on March 16, 2020, the City Manager, under the authority of CCMC
11 section 3.09.020, as the Director of Emergency Services, issued a Public Order enacting new
12 City measures to protect members of the public and City workers from undue risk of COVID-
13 19 (March 16 Order), which was confirmed by the City Council by Urgency Ordinance No.
14 2020-006. The March 16 Order was enacted after the City of Los Angeles issued a similar
15 public order, and in conjunction with the other Westside Cities (Beverly Hills, Malibu, Santa
16 Monica and West Hollywood), who issued similar orders. The March 16 Order addressed
17 closing bars, lounges and nightclubs that do not serve food, prohibited dine-in food service for
18 local restaurants (but permitted delivery and take-out), and closed movie theaters, live
19 performance venues, gyms, fitness studios and the like, and other indoor recreational facilities.
20 The March 16 Order further imposed a moratorium on residential tenant evictions; and
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23 WHEREAS, since that time, supplemental orders have been issued by the State
24 of California and the Los Angeles County Department of Public Health on March 19, 2020, as
25 well as a number of our neighboring communities, including the City of Los Angeles.
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1 WHEREAS, on March 20, 2020, the City Manager, under the authority of CCMC
2 section 3.09.020, as the Director of Emergency Services, issued a First Supplement to Public
3 Order Public Order enacting further City measures to protect members of the public and City
4 workers from undue risk of COVID-19 (March 20 Order). The March 20 Order was enacted
5 after the City of Los Angeles and Los Angeles County Department of Public Health issued
6 similar public orders. The March 20 Order issued, and incorporated by reference, any and all
7 orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject:*
8 *SAFER AT HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020; and
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10 WHEREAS, the March 19, 2020 Executive Order N-33-20 from the Governor,
11 among other things, ordered all persons in the state of California to stay home at their place of
12 residence “except as needed to maintain continuity of operations of the federal critical
13 infrastructure sectors”, as outlined by the U.S. Department of Homeland Security
14 Cybersecurity & Infrastructure Security Agency (CISA). In accordance with Executive Order
15 N-33-20, the State Public Health Officer designated a list of “Essential Critical Infrastructure
16 Workers” to help state, local, tribal, and industry partners as they work to protect communities,
17 while ensuring continuity of functions critical to public health and safety, as well as economic
18 and national security; and
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20 WHEREAS, the Governor’s March 19 Executive Order N-33-20, both the Los
21 Angeles County and City of Los Angeles *Safer at Home* orders, as well as the Public Health
22 Officer’s “Essential Critical Infrastructure Workers” designation, were all silent as to the
23 classification of firearms retailers; and
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25 WHEREAS, on March 28, 2020, CISA issued an Advisory Memorandum on
26 “Identification of Essential Critical Infrastructure Workers During COVID-19 Response”
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1 (Memorandum). The Memorandum was issued along with the March 28, 2020 “Guidance on
2 the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in
3 COVID-19 response” (Guidance). The Guidance, under “Law Enforcement, Public Safety and
4 other First Responders”, includes “workers supporting the operation of firearm or ammunition
5 product manufacturers, retailers, importers, distributors, and shooting ranges” in the list of
6 essential critical infrastructure workers; and

7
8 WHEREAS, subsequent to the CISA Guidance, on March 30, 2020, Los Angeles
9 County Sheriff Villanueva issued a statement entitled “Federal Clarity Regarding Essential
10 Businesses (Firearms Retailers)”. In the statement, the Sheriff opined that while the CISA
11 Guidance was advisory in nature, “nonetheless the federal memorandum is persuasive given
12 the national scope...” Sheriff Villanueva continued, “based on this further input from the
13 federal government, the Los Angeles County Sheriff’s Department will not order or
14 recommend closure of businesses that sell or repair firearms or sell ammunition” and will
15 report improper health practices such as poor sanitation or failure to maintain social distancing
16 to the District Attorney; and

17
18 WHEREAS, consistent with the CISA Guidance and the County of Los Angeles’
19 current positions regarding the inclusion of firearms retailers as part of the essential critical
20 infrastructure, the City Manager issued a Third Supplement to Public Order clarifying the City’s
21 March 20 Order to allow firearms retailers in Culver City to conduct business, including new
22 sales and transfers, during the COVID-19 local emergency, only so long as they comply with
23 the strict social distancing, infection control and health and safety measures dictated by the
24 County of Los Angeles Department of Public Health and the March 20 Order.
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1 **NOW, THEREFORE**, the City Council of the City of Culver City, California, **DOES**

2 **HEREBY RESOLVE** as follows:

3 1. Pursuant to CCMC Section 3.09.020.B.1.h(2), the City Council hereby
4 confirms the Third Supplement to Public Order issued by the Director of Emergency Services
5 on April 1, 2020, attached hereto as Exhibit A and incorporated herein as though fully set forth.

6 2. The City Council finds that this Resolution is not subject to the California
7 Environmental Quality Act ("CEQA") pursuant to CEQA guidelines, California Code of
8 Regulations, Title 14, Chapter 3, §15060(c)(2) [the activity will not result in a direct or
9 reasonably foreseeable indirect physical change in the environment] and §15060(c)(3) [the
10 activity is not a project as defined in §15378] because it has no potential for resulting in
11 physical change to the environment, directly or indirectly.

12 3. This Resolution shall take effect immediately upon adoption.

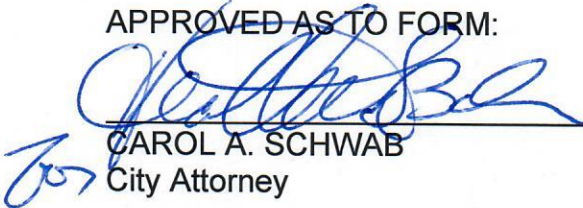
13
14 APPROVED and ADOPTED this _____ day of _____ 2020.

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16 _____
17 MEGHAN SAHLI-WELLS, MAYOR
18 City of Culver City, California

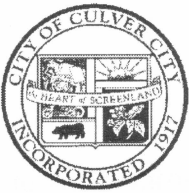
19 ATTEST:

20 APPROVED AS TO FORM:

21 _____
22 JEREMY GREEN
23 City Clerk

24 
25 _____
26 CAROL A. SCHWAB
27 City Attorney

28 A20-00140



CITY MANAGER'S OFFICE

CITY OF CULVER CITY

(310) 253-6000

FAX (310) 253-6010

9770 CULVER BOULEVARD, CULVER CITY, CALIFORNIA 90232-0507

JOHN M. NACHBAR
CITY MANAGER

Third Supplement to Public Order Under City of Culver City Emergency Authority

Issue Date: April 1, 2020

Subject: City Measures to Address COVID-19 – Firearms Retailers

On March 14, 2020, I issued a Proclamation of Local Emergency in relation to the arrival of the COVID-19 virus in our community. Since that time, I have ordered a number of additional measures to be taken across the City to protect the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we will do over the next few days and weeks will affect how well we weather this emergency.

On March 16, 2020, under the authority of Culver City Municipal Code (CCMC) Section 3.09.020, I, as the Director of Emergency Services, issued a Public Order enacting new City measures to protect members of the public and City workers from undue risk of COVID-19 (March 16 Order). The March 16 Order included, among other things, (1) a series of temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity; and (2) a moratorium on residential evictions resulting from a tenant's inability to pay rent due to circumstances related to the COVID-19 pandemic.

Since that time, supplemental orders have been issued by the State of California and the Los Angeles County Department of Public Health on March 19, 2020, as well as a number of our neighboring communities, including the City of Los Angeles.

On March 20, 2020, under the authority of CCMC section 3.09.020, as the Director of Emergency Services, I issued a First Supplement to Public Order enacting further City measures to protect members of the public and City workers from undue risk of COVID-19 (March 20 Order). The March 20 Order was enacted after the City of Los Angeles and Los Angeles County Department of Public Health issued similar public orders. The March 20 Order issued, and incorporated by reference, any and all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, issued by Los Angeles Mayor Eric Garcetti on March 19, 2020.

Also March 19, 2020, the Governor issued Executive Order N-33-20, which, among other things, ordered all persons in the state of California to stay home at their place of residence "except as needed to maintain continuity of operations of the federal critical infrastructure sectors", as outlined by the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency (CISA). In accordance with Executive

Order N-33-20, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security.

The Governor’s March 19 Executive Order N-33-20, both the Los Angeles County and City of Los Angeles Safer at Home orders, as well as the Public Health Officer’s “Essential Critical Infrastructure Workers” designation, were all silent as to the classification of firearms retailers.

On March 28, 2020, CISA issued an Advisory Memorandum on “Identification of Essential Critical Infrastructure Workers During COVID-19 Response” (Memorandum). The Memorandum was issued along with the March 28, 2020 “Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 response” (Guidance). The Guidance, under “Law Enforcement, Public Safety and other First Responders”, includes “workers supporting the operation of firearm or ammunition product manufacturers, retailers, importers, distributors, and shooting ranges” in the list of essential critical infrastructure workers.

Subsequent to the CISA Guidance, on March 30, 2020, Los Angeles County Sheriff Villanueva issued a statement entitled “Federal Clarity Regarding Essential Businesses (Firearms Retailers)”. In the statement, the Sheriff opined that while the CISA Guidance was advisory in nature, “nonetheless the federal memorandum is persuasive given the national scope...” Sheriff Villanueva continued, “based on this further input from the federal government, the Los Angeles County Sheriff’s Department will not order or recommend closure of businesses that sell or repair firearms or sell ammunition” and will report improper health practices such as poor sanitation or failure to maintain social distancing to the District Attorney.

By virtue of authority vested in me as the Director of Emergency Services pursuant to the provisions of Culver City Municipal Code Section 3.09.020.B.1.h(2), to make and issue rules and regulations on matters reasonably related to the protection of persons, property and the environment as affected by such emergency, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, April 1, 2020 until April 19, 2020 at 11:59 p.m., the following:

1. Consistent with the CISA Guidance and the County of Los Angeles’ current positions regarding the inclusion of firearms retailers as part of the essential critical infrastructure, my March 20 Order is hereby clarified to allow firearms retailers in Culver City to conduct business, including new sales and transfers, during the COVID-19 local emergency.
2. All firearms retailers that choose to conduct business shall comply with the strict social distancing, infection control and health and safety measures dictated by the County of Los Angeles Department of Public Health and my March 20 Order.

3. Additional social distancing, infection control and health and safety measures may be imposed at any time, in my sole discretion, in order to ensure the protection of life and property.

Any violation of the above prohibitions may be enforced under the Culver City Municipal Code, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

This order may be extended prior to April 19, 2020.

Date: 4/1/2020



John M. Nachbar, City Manager
Director of Emergency Services
City of Culver City