



City of Culver City

Staff Report

File #: 20-874, Version: 1

Item #: A-1.

CC - (1) FOUR-FIFTHS VOTE REQUIREMENT: Adoption of an Urgency Ordinance Confirming Supplemental Order Issued on March 20, 2020 by Director of Emergency Services Ordering Various Measures to be Taken Across the City to Protect Members of the Public and City Workers from Undue Risk of COVID-19 and Enforcement Thereof, Including, but not Limited to Commercial Tenant Eviction Moratorium, Extension of Business Tax Deadline and Miscellaneous Fee Waivers; and (2) FOUR-FIFTHS VOTE REQUIREMENT: Approval of Related Budget Amendment.

Meeting Date: March 26, 2020

Contact Person/Dept: B. Christine Byers / Administrative Services

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Fiscal Impact: Yes No **General Fund:** Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (03/25/2020);

Department Approval: John M. Nachbar, City Manager (03/24/2020)

RECOMMENDATION

Staff recommends the City Council (1) adopt an Urgency Ordinance confirming supplemental orders issued on March 20, 2020 and March 25, 2020 by the Director of Emergency Services ordering various measures to be taken across the City to protect members of the public and City workers from undue risk of COVID-19 and enforcement thereof, including, but not limited to commercial tenant eviction moratorium, extension of business tax deadline, and miscellaneous fee waivers; and (2) approval of a related budget amendment. ***(Both of these actions require a four-fifths vote requirement.)***

BACKGROUND

Since February 2020, the City of Culver City has been part of a coordinated response involving the federal Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health as a result of the rapidly evolving multinational

outbreak of the coronavirus respiratory disease (COVID-19).

Pursuant to the authority granted by Culver City Municipal Code (CCMC) Section 3.09.020, on March 14, 2020, the City Manager, as the Director of Emergency Services, issued a Proclamation of Local Emergency due to the outbreak and spread of Coronavirus (COVID-19). Such action followed the Los Angeles County Department of Public Health's and the Chair of the Board of Supervisor's declarations of a local health emergency and the State of California's declaration of a State of Emergency on March 4, 2020, and the President's declaration of a National Emergency on March 13, 2020.

On March 16, 2020, the City Manager, under the authority of CCMC section 3.09.020, 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") (Attachment 1). The March 16 Order was enacted after the City of Los Angeles issued a similar public order, and in conjunction with the other westside cities, who are issuing similar orders. The March 16 Order addresses closing bars, lounges and nightclubs that do not serve food, prohibits dine-in food service for local restaurants (but permits delivery and take-out), and closes movie theaters, live performance venues, gyms, fitness studios and the like, and other indoor recreational facilities. The March 16 Order also imposed a moratorium on residential tenant evictions based on an inability to pay rent due to COVID-19 related circumstances ("Residential Tenant Eviction Moratorium").

At a Special Meeting on March 18, 2020, the City Council adopted Resolution No. 2020-R015 ratifying the Proclamation of Local Emergency by the Director of Emergency Services and confirming the existence of such local emergency by the Director of Emergency Services due to the potential spread of COVID-19 in the City of Culver City (Attachment 2). At the same meeting, City Council adopted an urgency ordinance (Ordinance No. 2020-006) confirming the March 16 Order, pursuant to CCMC Section 3.09.020.B.1.h(2) (Attachment 3).

On March 19, 2020, supplemental orders were issued by the State of California, Los Angeles County Department of Public Health, as well as a number of neighboring communities, including the City of Los Angeles. On March 20, 2020 the City Manager as Director of Emergency Services issued a First Supplement to Public Order intended to impose additional measures to maintain hand hygiene, respiratory etiquette, and social distancing, in order to slow the spread of COVID-19, and to preserve the stability of commercial tenants during a time of potential severe economic impact ("March 20 Order") (Attachment 4). The March 20 Order, among other things, outlines supplemental restrictions placed on certain establishments and activities throughout Culver City, allows exemptions for essential activities to continue, orders a moratorium on commercial tenant evictions ("Commercial Tenant Eviction Moratorium") to supplement the residential tenant eviction moratorium already in place, and waives or defers the payment of certain City taxes and fees.

Also, on March 20, 2020, pursuant to the authority set forth in Section 3.C of Urgency Ordinance No. 2020-006, the City Manager promulgated and issued rules and implementation measures (collectively, "Implementation Measures") with regard to the Residential Tenant Eviction Moratorium, which are consistent with the provisions of the Public Order and the Urgency Ordinance. The Implementation Measures do not require separate approval by the City Council, but are attached to this report for reference (Attachment 5).

Pursuant to CCMC Section 3.09.020.B.1.h(2), staff recommends the City Council adopt the proposed

Urgency Ordinance confirming the March 20 Order issued by the Director of Emergency Services (Attachment 6).

In addition to confirming the March 20 Order, the proposed Urgency Ordinance does the following:

- Establishes that the Commercial Tenant Eviction Moratorium protections shall apply to any eviction notice and unlawful detainer action described in the March 20 Order, regardless of the date it is served or filed, if the tenant has not vacated the rental unit as of the effective date of the Urgency Ordinance;
- Prohibits a landlord from charging or collecting late charges or fees when payment of rent is delayed for the reasons set forth in the March 20 Order;
- Authorizes the City Manager to promulgate rules and implementation measures consistent with the provisions of the March 20 Order and the Urgency Ordinance, which shall have the force and effect of law; and
- Establishes an administrative fine of up to \$1,000 for each violation of the Residential Tenant Eviction Moratorium and the Commercial Tenant Eviction Moratorium.

FISCAL ANALYSIS

Currently, the City maintains a \$38M reserve dedicated to responding to various disasters, including pandemics (and another \$13.7M in undesignated reserves, which may be used to respond to this emergency) for a total of \$51.7M. The City anticipates it will sustain \$26M-\$35M in lost revenue from impacts associated with the COVID-19 pandemic (\$10M-\$15M in FY 2019/2020 and another \$16M-\$20M in FY 2020/2021).

The waiving of outdoor dining license and valet fees for the duration of the supplemental order (and any extension thereto) and the deferral of business taxes will impact City revenues, which requires a budget amendment.

ATTACHMENTS

1. 2020-03-26_ATT 1_March 16 Order
2. 2020-03-26_ATT 2_Resolution No. 2020-R015
3. 2020-03-26_ATT 3_Ordinance No. 2020-006
4. 2020-03-26_ATT 4_March 20 Order
5. 2020-03-26_ATT 5_Residential Tenant Eviction Moratorium Implementation Measures
6. 2020-03-26_ATT 6_Proposed Urgency Ordinance Confirming March 20 Order

MOTION

That the City Council:

1. Adopt an Urgency Ordinance confirming the March 20 Order issued by the Director of Emergency Services ordering various measures to be taken across the City to protect members of the public and City workers from undue risk of COVID-19 and enforcement thereof (**requires a four-fifths vote**); and
2. Approve a related budget amendment (**requires a four-fifths vote**).