



City of Culver City

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Staff Report

File #: 20-992, Version: 1

Item #: A-3.

CC - (1) Review of the Need for Continuing the Local Emergency Declared on March 14, 2020 by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, Due to the Coronavirus Respiratory Disease (COVID-19) Pandemic, in Accordance with the Requirements of Government Code Section 8630; (2) Discussion of the Continuation of the Waiver of Outdoor Dining Fees and Valet Parking Fees, Currently Expiring June 30, 2020; and (3) Direction to City Manager as Deemed Appropriate.

Meeting Date: May 26, 2020

Contact Person/Dept: Jesse Mays/City Manager's Office
Lisa Vidra/City Attorney's Office

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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 (05/21/2020);

Department Approval: John M. Nachbar, City Manager (05/21/2020)

RECOMMENDATION

Staff recommends the City Council (1) review the need for continuing the local emergency declared on March 14, 2020 by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, due to the coronavirus respiratory disease (COVID-19) pandemic ("Local Emergency"), in accordance with the requirements of Government Code Section 8630; (2) discuss the continuation of the waiver of Outdoor Dining Fees and Valet Parking Fees, currently expiring June 30, 2020; and (3) direction to City Manager as deemed appropriate.

BACKGROUND/DISCUSSION

On March 14, 2020, pursuant to the authority granted by Culver City Municipal Code ("CCMC") Section 3.09.020.B.1.a, the City Manager, as the Director of Emergency Services, issued a

Proclamation of Local Emergency due to the outbreak and spread of the coronavirus respiratory disease ("COVID-19") pandemic. The Local Emergency was ratified by City Council on March 18, 2020, as required by California Government Code Section 8630(b) ["Whenever a local emergency is proclaimed by an official designated by ordinance, the Local Emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body."]. Under Government Code Section 8630(c), "[t]he local governing body shall review the need for continuing the local emergency at least once every 60 days, until the governing body terminates the local emergency." Further, under Government Code Section 8630(d), "[t]he governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant."

Public Orders Issued in Support of Local Emergency

After the City Manager declared a Local Emergency on March 14, 2020, on March 16, 2020, under the authority of CCMC Section 3.09.020, the City Manager 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, temporary restrictions on certain establishments throughout Culver City, in which large numbers of people tend to gather and remain in close proximity, and a moratorium on evictions of residential tenants ("Residential Tenant Eviction Moratorium").

Since the issuance of the March 16 Order, various supplemental orders have been issued by the State of California and the Los Angeles County Department of Public Health, as well as a number of our neighboring communities, including the City of Los Angeles. In step with the City of Los Angeles and County of Los Angeles, the following supplemental orders were issued:

- March 20, 2020 First Supplement to Public Order (March 20 Order): 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; established a moratorium on evictions of commercial tenants who have an inability to pay their rent due to circumstances related to COVID-19 ("Commercial Tenant Eviction Moratorium" or "CTEM"); relaxed signage and parking restrictions and parking meter fees to facilitate food delivery and pickup; waived outdoor dining and valet parking license fees; and extended the business tax due date to June 1, 2020. Apart from the June 1, 2020 business tax payment extension, the March 20 Order was initially effective through April 19, 2020.
- March 27 Second Supplement to Public Order (March 27 Order): Expanded the scope of the Residential Tenant Eviction Moratorium to prohibit all evictions during the moratorium period, subject to certain limited exceptions (mostly related to public health and safety) and extended the duration of the Residential Tenant Eviction Moratorium through May 31, 2020.
- April 1, 2020 Third Supplement to Public Order (April 1 Order): Consistent with the U.S. Department of Homeland Security Cybersecurity & Infrastructure Security Agency (CISA) and the County of Los Angeles' positions regarding the inclusion of firearms retailers as part of the essential critical infrastructure, the April 1 Order clarified the March 20 Order to allow firearms retailers in Culver City to conduct business during the COVID-19 local emergency (April 1 Order). The April 1 Order was initially effective through April 19, 2020.

- April 2, 2020 Fourth Supplement to Public Order (April 2 Order): Incorporated by reference all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, as revised and issued by Los Angeles Mayor Eric Garcetti on April 1, 2020, excepting those provisions of the City of Los Angeles *SAFER AT HOME* order that are specific to City of Los Angeles locations and services, and was initially effective through April 19, 2020.
- April 7, 2020 Fifth Supplement to Public Order (April 7 Order): Extended the Commercial Tenant Eviction Moratorium through May 31, 2020.
- April 8, 2020 Sixth Supplement to Public Order (April 8 Order): Incorporated by reference all orders set forth in *Public Order Under City of Los Angeles Emergency Authority, Subject: Worker Protection Order*, issued by Los Angeles Mayor Eric Garcetti on April 7, 2020, and was initially effective through April 19, 2020.
- April 11, 2020 Seventh Supplement to Public Order (April 11 Order): Incorporated by reference all orders set forth in (a) *Public Order Under City of Los Angeles Emergency Authority, Subject SAFER AT HOME*, as revised and issued by Los Angeles Mayor Eric Garcetti on April 10, 2020; and (b) *Public Order Under City of Los Angeles Emergency Authority, Subject: Worker Protection Order*, as revised and issued by Los Angeles Mayor Eric Garcetti on April 10, 2020, and extended all orders expiring on April 19th through May 15, 2020.
- April 28, 2020 Eighth Supplement to Public Order (April 28 Order): Extended the Eviction Moratoria Payment Period for unpaid back rent to 12 Months.
- May 1, 2020 Ninth Supplement to Public Order (May 1 Order): Incorporated by reference all orders set forth in the *Public Order Under City of Los Angeles Emergency Authority, Subject: SAFER AT HOME*, as revised and issued by Los Angeles Mayor Eric Garcetti on April 27, 2020 and effective through May 15, 2020.
- May 7, 2020 Tenth Supplement to Public Order (May 7 Order): On May 6, 2020, the County of Los Angeles announced its Roadmap to Recovery-a Phased Approach to Re-opening Safely, which included allowing limited conditional re-openings of certain low-risk retail businesses. Effective May 8, 2020, florists, toy stores, clothing stores, music stores, and sporting goods stores were permitted to open for curbside pick-up, and auto dealer showrooms were permitted to open, with strict physical distancing and infection control protocols in place.
- May 14, 2020 Eleventh Supplement to Public Order (May 14 Order): On May 13, 2020, the County of Los Angeles' Health Officer issued a new *Safer at Home Order for Control of COVID-19*, which extended all previous County Health Officer orders issued, and announced that certain low-risk businesses and select recreational facilities and beaches were permitted to re-open subject to certain restrictions. Accordingly, the May 14 Order extended all previous orders until further notice, except where noted, and permitting certain limited re-openings with curbside pick-up or walk-up service only, and adherence to all City Guidelines and County

directives and re-opening protocols. The Order also included wearing a cloth face covering whenever there is or can be contact with others who are non-household members, in both public and private places. In addition, the order extended relaxation of parking restrictions and signage restrictions to facilitate the curbside pickup; the Order also extended the fee waiver for outdoor dining fees and valet parking fees, until June 30, 2020.

- May 19, 2020 Twelfth Supplement to Public Order (May 19 Order). Consistent with the direction of City Council at the May 18th public meeting, the City Manager issued the May 19 Order which (1) extended the Residential Tenant and Commercial Tenant Eviction Moratoria to August 31, 2020 or the end of the Local Emergency, whichever occurs earlier; (2) excluded from the Commercial Tenant Eviction Moratorium multi-national companies, publicly traded companies, or companies that employ more than 200 employees; and (3) reduced the grace period for the repayment of back rent from 12 months to 6 months for commercial tenants that have 10 or more, but less than 200, employees.
- May 20, 2020 Thirteenth Supplement to Public Order (May 20 Order). Consistent with the County of Los Angeles and City of Los Angeles, on May 20, 2020, the City Manager issued a Thirteenth Supplement to Public Order (May 20 Order), to address and allow conditional pet grooming, pet training and car washes that were previously prohibited under earlier *SAFER AT HOME* Orders.

According to Los Angeles County officials, the Safer at Home Orders will remain in place while the recovery plans are slowly put into effect, based on factors set forth by the State and County for re-opening. As of May 19, 2020, the County of Los Angeles Economic Recovery Task force has proposed a July 4, 2020 re-opening date. Although County Public Health officials have not committed to this date, the County believes having a goal for re-opening is good to work toward; provided, it is safe to do so based on scientific evidence and supporting data, and provided the residents of the County are complying with health guidelines, including physical distancing and face covering protocols.

Staff recommends the Local Emergency continue during the time Los Angeles County remains in a public health emergency, as the re-opening slowly unfolds through the various phases and the County's *Safer at Home* order remains in effect.

Waiver of Outdoor Dining License Fees and Valet Parking License Fees

Originating with the March 20 Order, and extended by the April 11 and May 14 Order, outdoor dining license fees and valet parking license fees are waived until June 30, 2020. These fees were waived to provide a modicum of relief for business owners who have experienced a sudden and significant downturn in business due to the pandemic and the *Safer at Home* orders. Staff recommends the City Council discuss whether to extend these fee waivers for an additional period of time beyond June 30, 2020 and provide direction to the City Manager as deemed appropriate.

FISCAL ANALYSIS

There is no cost associated with discussing the continued need for the Local Emergency. There will be an associated financial impact to the City's revenue with the continuation of the waiver of outdoor dining and valet parking fees.

ATTACHMENTS

2020-05-26_ATT_March 14, 2020 Proclamation of Local Emergency

MOTION

That the City Council:

1. Pursuant to Government Code Section 8630, review the need for continuing the Local Emergency declared on March 14, 2020 by the City Manager, as Director of Emergency Services, under City of Culver City Emergency Authority, due to the coronavirus respiratory disease (COVID-19) pandemic;
2. Discuss the continuation of the waiver of Outdoor Dining Fees and Valet Parking Fees, currently expiring June 30, 2020; and
3. Provide direction to City Manager as deemed appropriate.