File #: 22-278, **Version:** 1 **Item #:** C-12.

CC - (1) Eighth 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; and (2) Direction to City Manager as Deemed Appropriate.

Meeting Date: September 13, 2021

Contact Person/Dept: Jesse Mays/City Manager's Office
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Fiscal Impact: Yes [] No [x] **General Fund:** Yes [] No []

Public Hearing: [] **Action Item:**[] **Attachments:** [X]

Commission Action Required: Yes [] No [X] **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (9/08/2021);

Department Approval: John M. Nachbar, City Manager (9/08/2021)

RECOMMENDATION

Staff recommends the City Council (1) conduct an eighth 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 ("Local Emergency"), in accordance with the requirements of Government Code Section 8630; and (2) provide direction to City Manager as deemed appropriate.

BACKGROUND

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. (Attachment 1). 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."

On May 26, 2020, July 27, 2020, September 29, 2020, November 9, 2020, January 25, 2021, April 12, 2021, and June 28, 2021, the City Council conducted reviews of the Local Emergency and determined there was an ongoing need for the Local Emergency to continue. On September 13, 2021, the City Council will conduct the eighth periodic review of the ongoing Local Emergency due to the COVID-19 pandemic.

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 County of Los Angeles, the following supplemental orders were issued:

- March 16, 2020 Public Order (March 16 Order): This initial temporary Public Order was in effect until March 31, 2020. It closed bars, lounges and nightclubs that did not serve foot, and limited restaurants and retail food facilities to delivery, pick-up or drive through only; no on-site dining was permitted. Movie theaters, performance venues, bowling alleys and arcades were closed, as well as gyms, fitness centers, and art, dance and music facilities, and cultural venues.

- 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) to address and allow conditional pet grooming, pet training, and car washes.

- May 22, 2020 Fourteenth Supplement to Public Order (May 22 Order) to allow lower risk retailers in indoor malls to open for curbside, door side or other outdoor or outside pickup, and to allow for vehicle-based parades.

- May 27, 2020 Fifteenth Supplement to Public Order (May 27 Order), to align with the May 26, 2020 Order by the Los Angeles County Department of Public Health, entitled "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles through Stage 2 of California's Pandemic Resilience Roadmap". The May 27 Order permitted conditional indoor reopening of lower risk retail establishments; office-based businesses; faith-based organizations; pools, hot tubs and saunas in multi-residence locations; in person protests; and entertainment industry studios (upon State and County authorization). The May 27 Order also extended the waiver of outdoor dining license fees, and valet parking fees.

- June 1, 2020 Sixteenth Supplement to Public Order (June 1 Order), to align with the May 29, 2020 Los Angeles County revised "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles through Stage 2 of California's Pandemic Resilience Roadmap" (Revised County Order), to allow additional businesses to conditionally

re-open. Those businesses permitted to conditionally re-open included hair salons, barbershops, restaurants, and food facilities for in-person dining. In addition, the June 1 Order gave the Public Works Director authority to approve the expansion of outdoor dining into the public right of way, and to allow the outdoor display of goods.

- June 10, 2020 Seventeenth Supplement to Public Order (June 10 Order), to modify certain Zoning Code provisions, consistent with the June 9th direction given by the City Council, including modifying the non-conforming use provisions, modifying parking requirements for businesses with expanded outdoor dining and outdoor retail displays in a private parking lot, pursuant to a Temporary Use Permit, and to allow the sale of takeaway alcoholic beverages.

- June 12, 2020 Eighteenth Supplement to Public Order (June 12 Order) to align with the June 11, 2020 Los Angeles County Department of Public Health "Moving the County of Los Angeles into Stage 3 of California's Pandemic Resilience Roadmap (June 11 Revised County Order), to allow additional activities to resume and to allow additional businesses to conditionally re-open. These additional re-openings included operations for music, film, and television production; day camps; fitness facilities, museums, galleries, zoos, botanical gardens, aquariums and other similar exhibition spaces; professional sports teams without audiences; campgrounds and RV parks; hotels, motels, shared rental units and similar facilities; in-person behavioral health or substance use disorder support in therapeutic small group meetings; swimming pools and splash pads; for-hire fishing and chartered boat trips; indoor and outdoor photography; and visiting a physician for well-child visits. The June 12 Order also listed the higher risk businesses and activities that must continue to be closed.

- June 19, 2020 Nineteenth Supplement to Public Order (June 19 Order), to align with the June 18th new County "Reopening Safer at Work and in the Community for Control of COVID 19: Moving the County of Los Angeles into Stage 3 of California's Pandemic Resilience Roadmap" (June 18 Revised County Order). This Order allowed for personal care establishments, bars, wineries and tasting rooms, to reopen, as well as clarify that there was no attendee limit on outdoor faith-based services and outdoor protests. The Order reiterated the higher risk businesses that were required to remain closed.

- July 7, 2020 Twentieth Supplement to Public Order (July 7 Order), was issued by the City Manager, conditionally waiving penalties and interest on any past due Transit Occupancy Taxes (TOT), providing any past due TOT is remitted to the City within 30 days from the date of the order, and further waiving outstanding penalties and interest that accrued between March 1 and July 7, 2020, if past due TOT was already paid. Additionally, the July 7 Order reiterated the higher risk businesses, recreational sites, commercial properties, and activities that must continue to be closed.

- July 21, 2020 Twenty-First Supplement to Public Order (July 21 Order) was issued by the City Manager (July 21 Order), allowing the safe outdoor operation of gyms, fitness centers and personal care services, pursuant to a Temporary Use Permit, provided all operations were in compliance with State, County and local protocols, rules and regulations.

- August 4, 2020 Twenty-Second Supplement to Public Order (August 4 Order), extending the Residential Tenant Eviction Moratorium and the Commercial Tenant Eviction Moratorium to

September 30, 2020.

- August 13, 2020 Twenty-Third Supplement to Public Order (August 13 Order) to allow the temporary use of outdoor City parks facilities and areas for the outdoor operations of gym and fitness establishments, consistent with the County's July 13th Public Order and the City Council's August 10, 2020 direction.

- August 21, 2020 Twenty-Fourth Supplement to Public Order (August 21 Order), to allow the safe outdoor operation of youth sports programs, the use of designated outdoor City park space for in-person faith based services and therapeutic small group meetings, and the continued waiver of outdoor dining and valet parking license fees.

- September 3, 2020 Twenty-Fifth Supplement to Public Order (September 3 Order), to allow for the reopening of indoor services for hair salons and barbershops, at 25% of maximum occupancy, and beginning on September 14, 2020, in-school services for students with individualized education programs (IEPs) or English Learners (Els) at K-12 schools.

- September 17, 2020 Twenty-Sixth Supplement to Public Order (September 17 Order), consistent with City Council's direction, the Commercial Tenant Eviction Moratorium was extended through January 31, 2021. (Note-the Residential Tenant Eviction Moratorium has been preempted by AB 3088 through January 31, 2021, which was signed by the Governor on August 31, 2020).

- October 2, 2020 Twenty-Seventh Supplement to Public Order (October 2 Order). Consistent with the September 30, 2020 Order of the Los Angeles County Public Health Officer, nail salons were permitted to reopen at 25% occupancy indoors; cardrooms were permitted to reopen outdoors; indoor shopping malls were permitted at 25% of maximum occupancy; and outdoor playgrounds were permitted to open. Additionally, the waiver of outdoor dining and valet parking license fees was continued through December 31, 2020, and the Community Workforce Resources Poster was made mandatory by October 16, 2020.

- October 16, 2020 Twenty-Eighth Supplement to Public Order (October 16 Order). Outdoor private gatherings of persons from no more than three households are permitted, in compliance with the requirements set forth in the applicable Los Angeles County Public Health protocols.

- October 30, 2020 Twenty-Ninth Supplement to Public Order (October 30 Order). The October 30 Order addresses the reopening of various business sectors and recreational activities with modifications, in alignment with recent announcements by the County of Los Angeles Department of Public Health, as well as additional requirements regarding temporary Third-Party Food Delivery Service Fees.

- November 10, 2020 Thirtieth Supplement to Public Order (November 10 Order). This Order extended the Commercial Tenant Eviction Moratorium through March 31, 2021.

- November 23, 2020 Thirty-First Supplement to Public Order (November 23 Order). The November 23 Order addresses the Los Angeles County Surge Response orders and directives issued by Los Angeles County Public Health on November 19 and November 22. This Order also extended the outdoor dining license fee waiver and the valet parking license fee waiver to March 31, 2021.

- November 30, 2020 Thirty-Second Supplement to Public Order (November 30 Order). The November 30 Order addresses the Los Angeles County Public Health Officer's Temporary Targeted Safer at Home: Tier 1 Substantial Surge Response Order ("Temporary Surge Response Order") issued November 28, 2020 and effective November 30, 2020 through December 20, 2020. The Temporary Surge Response Order was issued as a response to the recent substantial rise in COVID-19 cases, hospitalizations, and deaths. The Temporary Surge Response Order was issued to ensure that County residents remain in their residences as much as practicable, and to limit close contact with others outside of their household in both indoor and outdoor spaces, to further reduce the risk of community transmission of COVID-19. This Order prohibits gatherings except for church services and protests, limits occupancy for permitted activities and businesses, and closes non-essential businesses and activities. This order supersedes any previous order where there is a conflict between the Orders.

- January 26, 2021 Thirty-Third Supplement to Public Order (January 26 Order). On January 25, 2021, the State of California lifted the Regional Stay at Home Order that was instituted in December 2020 due to a holiday surge, and a substantial rise in COVID-19 cases, hospitalizations, and deaths, and in turn, the County of Los Angeles lifted its Temporary Surge Response Orders and returned to its November 25, 2020 Blueprint for a Safer Economy-Tier 1 Surge Response Order, with modifications, and issued the County January 25 Order. Accordingly, the City Manager issued the January 26 Order, aligning the City with the County January 25 Order, and also any new subsequent County of Los Angeles Order, unless the City Manager issues a new City order with restrictions specific to Culver City, and also extended the City's limitations on Third Party Food Delivery Service fees, to March 31, 2021.

- February 25, 2021 Thirty-Fourth Supplement to Public Order (February 25 Order). On February 25th, the Commercial Tenant Eviction Moratorium (CTEM) was extended through the termination of the Local Emergency, after the City Council considered recommendations from the Economic Development Subcommittee on February 22, 2021 at a City Council public meeting. Certain modifications were made to the CTEM, including to the definition of commercial tenant, and to require commercial tenants to pay 25% of the current rent due each month to qualify for the CTEM protections, beginning April 1, 2021. The Order also referred landlords and tenants to mediation services at LA Represents.

- March 25, 2021 Thirty-Fifth Supplement to Public Order (March 25 Order). The March 25 Order continued to align the City with the County of Los Angeles most recent (March 19, 2021) Public Health Order, and extended the waiver of outdoor dining license fees and valet parking license fees, to June 30, 2021, as well as extended the limitations established on October 30, 2020 pertaining to Third Party Food Delivery Service Fees, to the end of the Local Emergency.

- April 21, 2021 Thirty-Sixth Supplement to Public Order (April 21 Order). The April 21 Order continued to align the City with the County of Los Angeles, including its April 15th Orange Tier Risk Reduction measures, and stated that the City will automatically align with any subsequent County of Los Angeles Public Health Order or Directive unless a new City Order is issued with specific restrictions or requirements. The Order also granted authority to the Public Works Director and the Community Development Director to issue temporary Use Permits (TUPs) for outdoor bar operation in the public right of way or outdoors on private property. The Order also notes that live events and performances (indoor and outdoor) are permitted with all County protocols plus any required City special events permits.

- July 15, 2021 Thirty-Seventh Supplement to Public Order (July 15 Order): The July 15 Order temporarily extended the use of City sidewalks for expanded outdoor dining, through a Temporary Use Permit issued by the Public Works Director, to December 31, 2021, and also extends the waiver of Outdoor Dining License Fees and Valet Parking License Fees to December 31, 2021.

DISCUSSION

On June 15, 2021, the State of California discontinued the color-coded "Tier" system, and "re-opened" the California economy. In alignment with the State of California, Los Angeles County discontinued its "Blueprint for a Safer Economy" series of Public Health Orders and for the most part discontinued its program of issuing specific sector protocols. The County issued a new order effective June 15, 2021, entitled "A Safer Return Together at Work in the Community: Beyond the Blueprint for a Safer Economy - Encouraging COVID-19 Vaccination Coverage with Limited Risk Reduction Measures."

At the time of the June 15th Order, there was a 7-day average of approximately 200 new reported COVID-19 positive cases in Los Angeles County. Since that date, COVID-19 positive cases have dramatically risen, as have hospitalizations and the death rate, driven by the "Delta" variant of the virus. Effective July 18, 2021, Los Angeles County re-instituted a universal mask mandate and the majority of counties in California have followed suit. The rapid increase in cases continued through the summer, reaching 3500-4000 reported positive cases some days; on August 18th, 4,046 new cases were reported. In the past few weeks, the daily positive cases have declined, but are still approximately 10 times what the rate was on June 15th. On September 5, 2021 for instance, Los Angeles County Public Health reported 2,122 new positive cases. Hospitalizations county-wide due to COVID were 1,537 on that date. As of September 5, 2021, only 65% of Los Angeles County residents over the age of 12 have been fully vaccinated.

As of the most recent (August 23, 2021) County of Los Angeles Public Health Order (Attachment 2), beginning on September 20, 2021, attendees at "Indoor Mega Events" of 1000 persons or more will be required to show verification of a COVID-19 vaccination or a negative COVID-19 test result. Attendees at "Outdoor Mega Events" (over 10,000 persons) are required to wear a mask, regardless of vaccination status. More and more private businesses, as well as governmental entities, have recently reported vaccination requirements for employees and patrons. These measures illustrate the ongoing importance of continuing the State, County and Local Emergency in an effort to slow the

spread of COVID-19.

California's State of Emergency and the County of Los Angeles Public Health Emergency both remain in effect. The pandemic is not over, and Los Angeles County is a global hub that is in the middle of what continues to be a global pandemic.

Even though the City of Culver City is aligned with the County's latest order, Culver City also has a number of City-specific orders in place, including establishing the CTEM, giving authority to management to issue Temporary Use Permits (TUPs), establishing limitations on third party food delivery fees, and waiving certain fees, among other provisions. Under the City's Local Emergency, the City has the ability to craft orders that are specific to Culver City and the needs of its residents and businesses. Accordingly, due to the ongoing State of California and County of Los Angeles emergencies, the provisions that continue to be in place to protect vulnerable individuals against the virus, and the provisions in place to assist local businesses as they recover from 18 months of the pandemic, City staff recommends the Local Emergency continue during the time the State of California and Los Angeles County remain in a public health emergency.

FISCAL ANALYSIS

There is no cost associated with discussing the continued need for the Local Emergency.

ATTACHMENTS

1. 2021-09-13_ATT1_March 14, 2020 Proclamation of Local Emergency
2. 2021-9-13_ATT2_August 23, 2021 County of Los Angeles Health Officer Order

MOTION

That the City Council:

1. Pursuant to Government Code Section 8630, conduct an eighth 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; and

2. Provide direction to City Manager as deemed appropriate.