

RESOLUTION NO. 20-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY RELATING TO THE COVID-19 PANDEMIC

WHEREAS, the City Council of the City of Commerce is responding to the spread of coronavirus disease 2019, a respiratory illness first identified in Wuhan, Hubei Province, China, and now hereby finds that international, national, state, and local health and governmental authorities are responding to an outbreak of said respiratory disease caused by a novel coronavirus, also known and abbreviated as COVID-19, (“COVID-19”); and

WHEREAS, while the complete medical origins and implications of COVID-19 are not yet fully understood, reported symptoms and illnesses from COVID-19 range from mild to severe, including fever, coughing, shortness of breath, and illnesses resulting in death; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has stated that certain populations face elevated risk; and

WHEREAS, CDC has also stated that widespread transmission of COVID-19 would translate into large numbers of people needing medical care at the same time and other critical infrastructure may also be affected; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak a “public health emergency of international concern”; and

WHEREAS, on January 31, 2020, the U.S. Department of Health and Human Services declared a public health emergency to aid the nation’s healthcare community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, State of California Governor Gavin Newsom proclaimed a State of Emergency as a result of the threat of COVID-19 in the State of California to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 11, 2020, the Director-General of the World Health Organization characterized COVID-19 outbreak as a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20. The Governor stated, among other things, that despite sustained efforts, COVID-19 remains a threat and further efforts are needed to control the spread of the virus; that local officials may issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events; and that individuals exposed to COVID-19 may be unable to work, may experience a loss of income, health care, medical coverage, and the ability to pay for housing and basic needs. The Governor ordered, among other things, that residents are to heed

orders of state and local health officials, including social distancing measures; and that provisions of state law relating to disability insurance, unemployment insurance, emergency medical services, taxes, medical facilities, and public meetings, are modified during this emergency; allows local or state legislative bodies to hold meetings via teleconference and to make meetings accessible electronically; and allows local and state emergency administrators to act quickly to protect public health; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and that the federal government would make \$50 billion in emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, as of March 15, 2020, the Los Angeles County Department of Public Health reported sixty-nine (69) confirmed cases of COVID-19 and one (1) death within Los Angeles County, including ten (10) cases identified as likely due to community transmission; and

WHEREAS, as of March 15, 2020, CDC issued an interim guidance for large events and mass gatherings, recommending that for the next eight (8) weeks, in-person events that consist of fifty (50) people or more throughout the United States be postponed or canceled, with examples of large events and mass gatherings to be conferences, festivals, parades, concerts, sporting events, weddings, and other types of assemblies; and

WHEREAS, as of March 15, 2020, Governor Newsom amended his previous orders, including, directing the home isolation of all seniors who are sixty-five (65) years and older and those with chronic conditions; directed the closure of bars, nightclubs, and wineries/breweries in the State of California until further notice as these were identified as “non-essential functions” under the circumstances; and a reduction by one-half in the allowed current occupancy within restaurants and requirement for social distancing within these establishments; and

WHEREAS, without a specific vaccine or treatment for this disease, social distancing is the most effective and readily available tool we have to slow the spread of novel COVID-19; and

WHEREAS, Section 2.36.060 of the Commerce Municipal Code authorizes the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, and further authorizes the City Manager with enumerated powers when the Governor or County has declared a state of emergency, which has been the case as discussed hereinabove as it relates to COVID-19; and

WHEREAS, pursuant to Section 3.16.020 of the Commerce Municipal Code, the City Manager as the purchasing agent is authorized to make emergency purchases free of the provisions of Chapter 3.16, “Purchasing System,” upon a showing by any agency or officer that the purchase required is for the immediate preservation of health, safety and welfare of the people or for the protection of property and that there be a present, immediate and existing emergency which could not reasonably have been foreseen; and

WHEREAS, the City of Commerce remains vigilant with federal, state, and county official updates related to COVID-19 because information, orders, and directives continue to change on a daily basis; and

WHEREAS, commencing on or before March 4, 2020, the City has actively planned and implemented measures to prevent the spread of COVID-19 and to commence preparing for any

and all emergency actions in response to the spread of COVID-19, including but not limited to: disseminating information to the public by using the City's website, emails, postcards, flyers, posters and telecommunications and issuing news releases; postponing and/or canceling events at city facilities, including the Kids are Cute Show, Peanut Butter Falcon Viewing, the Miss Commerce Event; and all community programs with gatherings over 25 people for the month of March and April

WHEREAS, as of March 14, 2020, according to a news report, an employee of the Commerce Casino tested "presumptively" positive for COVID-19, and the Casino has now reportedly notified other employees who may have been in contact with said employee. The City is currently seeking official information in this regard; however, the Commerce Casino did announce its closure on March 14, 2020; and

WHEREAS, the COVID-19 pandemic has caused, and will continue to cause, conditions of extreme peril to persons within the City that are likely to be beyond the control of services, personnel, equipment, and facilities of the City, requiring the combined forces of other agencies or political subdivisions to combat; and

WHEREAS, these conditions and events warrant and necessitate the proclamation of the existence, or threat of existence, of a local emergency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE, DECLARE AND DETERMINE AS FOLLOWS:

SECTION 1: The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct, and incorporates them herein as findings and as a substantive part of this Resolution and Proclamation.

SECTION 2: IT IS HEREBY PROCLAIMED that a local emergency exists throughout the City of Commerce and shall continue until terminated by City Council, and that as a result, the City seeks all services, resources, funding, assistance and other related aid provided for or made available by the County of Los Angeles, State of California or Federal Government.

SECTION 3: It is hereby proclaimed and ordered that during the existence of said local emergency, the powers, functions, and duties of the emergency organization of the City shall be as prescribed by federal, state, and county law, as well as the laws, ordinances and resolutions of the City of Commerce.

SECTION 4: All individuals, organizations, and business entities are hereby required to comply and adhere to all federal, state, and local orders and directives within the City's jurisdiction and boundaries relating to COVID-19, including the Governor's executive orders and directives, state guidelines, guidelines issued by the CDC, and the Los Angeles County Public Health Department, including but not limited to: canceling or postponing all large events and mass gatherings that consist of fifty (50) or more persons for the next eight (8) weeks; closure of bars, nightclubs, wineries, breweries or pubs until further notice, as they are deemed to be "non-essential functions" under the circumstances; all seniors sixty-five (65) years or older and those with chronic conditions are directed to home isolation; and a reduction by one-half in the allowed current occupancy within restaurants and requirement for social distancing within these establishments. Should subsequent federal, state, or county orders, guidelines, and directives be issued that promote various forms of social distancing to protect the most vulnerable from

COVID-19, as well as to contain the spread of same, the more restrictive orders and directives shall apply.

SECTION 5: Notwithstanding any provision of the Commerce Municipal Code to the contrary, the City Manager, as the director of emergency services, in addition to the authority granted under emergency circumstances, has an increase in spending authority of up to \$75,000 for emergency response needs; and is authorized, without complying with the competitive bidding procedures of Chapter 3.16, to execute any agreement, subject to approval as to form by the City Attorney, if the agreement is related to emergency response needs pursuant to this Proclamation. City Manager is required to subsequently make a report to City Council with information of related expenditures.

SECTION 6: Pursuant to Government Code Sections 54956.5 and 54957, City Council convened for an Emergency Meeting on March 16, 2020 to receive an update, and unanimously moved to add and incorporate the following:

SECTION 6.1: City Council hereby directs and authorizes the City Manager, and/or his designee(s), to execute the following:

- (1) Review options to ensure the City's seniors, as well as those deemed most vulnerable to the coronavirus with an underlying chronic condition, have access to enhanced social services, including but not limited to providing meals, working with the City's current resources to identify said demographic, and work with private grocery retailers about designating specified hours for grocery shopping for seniors.
- (2) As deemed necessary and/or pursuant to any county, state and federal orders, work with the Commerce City Employees Association to modify employee roles and workplaces, including modifying duties and responsibilities on a temporary basis.
- (3) Activate the Emergency Operations Center (EOC), accordingly.
- (4) Coordinate with local restaurant businesses to promote their local businesses, while providing information to the public about encouraging the use of delivery services.
- (5) Disseminate information to the City's local businesses, in conjunction with the Industrial Council, to keep businesses apprised of local, state and federal directives that may impact their business operations.
- (6) Cancel and/or postpone City events and City scheduled programming until further notice and/or consistent with county, state and federal guidelines, directives and orders.
- (7) Review the feasibility of limiting or closing the Citadel Express, but finding alternative public transportation options for City employees.
- (8) Activate the Emergency Response Team, accordingly.
- (9) Work and communicate with utility companies and trash hauling/collection operations servicing the City of Commerce about helping customers experiencing

financial hardships as a result of COVID-19 to ensure suspension of service disconnections for nonpayment and waiving late fees.

SECTION 6.2: Consistent with Section 4 hereinabove, it is the City Council's express intent to have persons, organizations, and business entities in the City's boundaries and jurisdiction to consistently adhere to the county, state and federal government's continuous and amended orders, directives and guidelines regarding means to contain or prevent the spread of COVID-19, including adhering to guidelines concerning restricting the number of people in gatherings and events, home isolations, and closures or restrictions of business operations.

SECTION 6.3: City Council hereby orders that no landlord shall evict a residential tenant in the City of Commerce during this local emergency period if the tenant is able to show an inability to pay rent due to circumstances related to the COVID-19 pandemic. These circumstances include loss of income due to a COVID-19 related workplace closure, child care expenditures due to school closures, health care expenses related to being ill with COVID-19 or caring for a member of the tenant's household who is ill with COVID-19, or reasonable expenditures that stem from government-ordered emergency measures. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent. Tenants may use the protections afforded in this subsection as an affirmative defense in an unlawful detainer action. This subsection shall remain in effect during the pendency of the local emergency period.

SECTION 7. Severability. If any section, subsection, paragraph, sentence, clause, phrase, or portion thereof, of this Resolution is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council declares that it would have adopted this Resolution, and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions thereof, be declared invalid or unconstitutional. To this end, the provisions of this Resolution are declared to be severable.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, THIS 16th day of March, 2020.


John Soria, Mayor

ATTEST:


Lena Shumway, City Clerk