

## RESOLUTION NO. 20-7230

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY

The City Council of the City of Hermosa Beach does hereby find, order and resolve as follows:

#### **SECTION 1. Recitals.**

A. Title 2, Chapter 2.56 of the Hermosa Beach Municipal Code empowers the Mayor to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days.

B. A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

C. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. Additionally, on March 4, 2020, the Los Angeles County Board of Supervisors and the Los Angeles County Department of Public Health all declared a local and public health emergency in response to increased spread of COVID-19 across the country and in Los Angeles County. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19.

D. On March 11, 2020, Los Angeles County announced the first death related to COVID-19.

E. On March 12, 2020, California Governor Gavin Newsom ordered cancellation of all non-essential gatherings over 250 people anywhere in the State and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other and limiting gatherings of older or relatively unhealthy people more vulnerable to the disease to no more than 10 people.

F. The City activated its Emergency Operations Center on March 16, 2020 and the City has cancelled or postponed all non-essential City-hosted and permitted programs and events to help prevent further spread of COVID-19 and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

G. Due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency.

1 H. The Director of Emergency Services now requests the City Council ratify the  
2 Mayor's proclamation of the existence of a local emergency issued on March 16, 2020 in  
3 accordance with Hermosa Beach Municipal Code Section 2.56.090.

4 **SECTION 2.** The Proclamation of Existence of a Local Emergency by the Mayor is hereby  
5 ratified.

6 **SECTION 3.** It is hereby proclaimed that a local emergency now exists throughout the City. It  
7 is further proclaimed and ordered that during the existence of this local emergency the powers,  
8 functions, and duties of the Director of Emergency Services and the emergency organization of  
9 this City shall be those prescribed by State law and by the ordinances and resolutions of this  
10 City.

11 **SECTION 4.** The local emergency shall be deemed to continue and exist until its termination  
12 is proclaimed by the City Council. As required by law, the City Council shall review the need  
13 to continue the state of emergency every 60 days until this resolution is terminated.

14 **SECTION 5.** Pursuant to the authority prescribed by Hermosa Beach Municipal Code Section  
15 2.56.090, the City Council hereby orders as follows (the "Order"), to take effect immediately  
16 and remain in effect until March 28, 2020, unless extended by the City Council or City  
17 Manager:

- 18 A. All restaurants, alcohol beverage establishments and snack shops in the City are hereby  
19 ordered closed to onsite patronage; *provided, however*, that take-out orders and delivery  
20 of meals are permitted provided that take-out orders are picked up by a single person  
21 and the establishment maintains social distance in any necessary queuing of patrons.
- 22 B. All formal and informal organized and group activities, games and sports, with the  
23 exception of family outings, are hereby prohibited in all City parks and the beach;
- 24 C. The City shall prohibit access to play structures at all City parks;
- 25 D. The City shall post signs at all City parks advising that:
- 26 I. COVID-19 is known to survive on various surfaces such as children's play  
27 equipment, bathroom surfaces, tables, benches, railings, and other fixtures, for 72 or  
28 more hours; and
- II. Park users shall maintain social distance as prescribed by Beach Cities Health  
District, as provided in Exhibit 1 attached hereto;
- III. Park users with symptoms consistent with COVID-19 infection are encouraged to  
isolate themselves at home and contact their health care provider or, if they do not  
have a health care provider, the Los Angeles County Department of Health to assist  
with receiving prompt diagnosis and care.

1 **SECTION 6.** Pursuant to the authority prescribed by Hermosa Beach Municipal Code Section  
2 2.56.090, the City Council hereby orders as follows:

3 A. Commercial landlords in the City are hereby prohibited from (I) charging rent and (II)  
4 evicting commercial tenants for nonpayment of rent with respect to tenants whose  
5 businesses are subject to the Order or are otherwise limited or closed (voluntarily or by  
6 mandate) to prevent or reduce the spread of COVID-19 and who demonstrate lost  
7 income and inability to pay rent as a result of such limitation or closure. A landlord  
8 knows of a tenant's lost income and inability to pay rent within the meaning of this  
9 Order if the tenant, within 30 days after the date rent is due, notifies the landlord in  
10 writing of the lost income and inability to pay rent due to a limitation or closure of the  
11 tenant's business related to COVID-19, with appropriate supporting documentation. If  
12 a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of  
13 their rent that corresponds to the income they generated during the period of loss. For  
14 purposes of this Order, "in writing" includes email or text communications to a landlord  
15 or the landlord's representative with whom the tenant has previously corresponded by  
16 email or text. All financial information provided to the landlord shall be kept in  
17 confidence and only used for evaluating the tenant's claim or enforcing this provision.

18 B. Residential landlords in the City are hereby prohibited from (I) charging rent and (II)  
19 evicting residential tenants for nonpayment of rent with respect to tenants whose  
20 income is reduced or eliminated as a result of efforts to prevent or reduce the spread of  
21 COVID-19 and who demonstrate lost income and inability to pay rent as a result of  
22 such loss. A landlord knows of a tenant's lost income and inability to pay rent within  
23 the meaning of this Order if the tenant, within 30 days after the date rent is due, notifies  
24 the landlord in writing of the lost income and inability to pay rent due to such loss, with  
25 appropriate supporting documentation. If a tenant suffers only a partial loss of income,  
26 the tenant shall pay the pro-rated share of their rent that corresponds to the income they  
27 generated during the period of loss. For purposes of this Order, "in writing" includes  
28 email or text communications to a landlord or the landlord's representative with whom  
the tenant has previously corresponded by email or text. All financial information  
provided to the landlord shall be kept in confidence and only used for evaluating the  
tenant's claim or enforcing this provision.

24 **SECTION 7.** Notice of the measures set forth in Section 5 shall be provided on the City's  
25 website, on the City's social media platforms and by way of email notifications to all  
26 restaurants, alcohol beverage establishments and snack shops in the City.

27 **SECTION 8.** The City Clerk shall certify to the passage and adoption of this resolution and  
28 enter it into the book of original resolutions.

**SECTION 9.** In order to prevent inconsistencies, the Director of Emergency Services may suspend any part this Resolution in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature adopts any order or legislation that is inconsistent with the actions directed in the Resolution.

**PASSED, APPROVED, and ADOPTED** this 16<sup>th</sup> day of March 2020.

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**PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

**ATTEST:**

**APPROVED AS TO FORM:**

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City Clerk

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City Attorney