

# THOUSAND OAKS CITY COUNCIL



## Supplemental Information Packet

**Agenda Related Items - Meeting of March 17, 2020  
Supplemental Packet Date: March 17, 2020**

**2:30 p.m.**

### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public inspection in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks

### **Americans with Disabilities Act (ADA):**

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department at (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.

**TO:** Andrew P. Powers, City Manager

**FROM:** Tracy M. Noonan, City Attorney

**DATE:** March 17, 2020

**SUBJECT: Item No. 6B - Ratification of Proclamation of Existence of Local  
Emergency and Rendering Certain Emergency Orders**

Attachment #1 of the referenced agenda item is being replaced with the attached revised resolution.

TO COUNCIL: 03/17/2020  
AGENDA ITEM NO.: 6.B.  
MEETING DATE: 03/17/2020

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF THOUSAND OAKS RATIFYING THE  
PROCLAMATION OF THE EXISTENCE OF A  
LOCAL EMERGENCY AND RENDERING  
CERTAIN EMERGENCY ORDERS

WHEREAS, California Government Code section 8630 empowers the City Council (“COUNCIL”) to confirm the existence or threatened existence of a Local Emergency when City is affected or likely to be affected by a public calamity, while Government Code section 8634 empowers the COUNCIL to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, pursuant to Section 4-4.05 of the Thousand Oaks Municipal Code, the Director of Emergency Services has proclaimed (Exhibit A) an emergency and is requesting the COUNCIL to ratify the existence of a Local Emergency; and

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of a respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) announced on February 25, 2020 that community spread of COVID-19 is likely to occur in the United States; and on March 11, 2020, World Health Organization (WHO) declared COVID-19 as a pandemic; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available and formalize emergency actions; and

WHEREAS, on March 12, 2020, the Governor of the State of California ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10; and

WHEREAS, on March 12, 2020, the County of Ventura declared a local health emergency and further declared that there is an imminent and proximate

threat of COVID-19 spreading in the County of Ventura and a threat to the public health of County residents; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency in response to the COVID-19 outbreak under both the National Emergencies Act and under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 reconfirming the State of Emergency in California as a result of the threat of COVID-19, the additional economic impact the virus is causing to businesses and housing matters, and the need for local jurisdictions to determine, based on their particular needs, additional measures to promote housing security and stability as well as assist commercial tenancies; and

WHEREAS, the Governor's Executive Order N-29-20 suspends any state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions in circumstances where the basis for the eviction is nonpayment of rent or a foreclosure arising out of a substantial decrease in household or business income caused by the COVID-19 pandemic or by any federal, state, or local government response to COVID-19; and

WHEREAS, as a result of the Local Emergency and the precautions recommended by health authorities, many residents in the City of Thousand Oaks have or may soon experience sudden and unexpected income loss; and

WHEREAS, the Governor of the State of California ("Governor") has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19, and such individuals and their families may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, the Governor of the State of California is expected to continue to issue Executive Orders to combat COVID-19 that will mandate or authorize local agencies such as CITY to enact additional regulations consistent with federal and State law to protect the health, safety, and welfare of residents; and

WHEREAS, COVID-19 has already demonstrated its deleterious impact on human health internationally, nationally, and in other counties in the State of California; and

WHEREAS, the COUNCIL does hereby find that the conditions of extreme peril which severely impairs the safety of persons and/or property and likelihood of conditions being beyond the control and capacity of City services, personnel, equipment and facilities, have arisen within the CITY caused by the COVID-19 pandemic (Proclamation 2020 attached as Exhibit A), said cause commencing on or about 6:00 p.m. on March 12, 2020; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the ratification of the proclamation of the existence of a Local Emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED, ORDERED AND RESOLVED by the Thousand Oaks City Council that:

1. The Proclamation of a Local Emergency made on March 12, 2020 by the Director of Emergency Services is hereby ratified and a Local Emergency now exists throughout the City of Thousand Oaks, California;
2. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services (being Andrew P. Powers, City Manager), the Disaster Council and the emergency organization of CITY shall be those prescribed by state law, by the existing ordinances and resolutions of the CITY, as well as this resolution and any subsequent emergency orders of the COUNCIL;
3. A request for Mutual Aid for emergency services, sheltering, evacuation, and restoration is authorized and shall be made to City, County, State and Federal agencies. This Declaration of a Local Emergency is intended to satisfy any local, state or federal law or regulation requiring such a declaration as a prerequisite or requirement for mutual aid or cooperation. This Declaration also hereby activates any and all existing CITY Emergency Plans, and authorizes the Director of Emergency Services to amend such plans in writing as necessary;
4. During the existence of said Local Emergency, City shall follow and impose all directives, mandates, Executive Orders and any other emergency related restrictions issued by the federal government, State of California and/or the County of Ventura, including any and all social distancing and other preventative measures. The Director of Emergency Services may order more stringent requirements consistent with federal, State, and local law;

5. Until further notice, City facilities are closed to the public, and all non-essential City sponsored or hosted events are cancelled or postponed to a future date;
6. The excessive price gouging and increase prohibitions of section 5-19.01 et seq. of the Thousand Oaks Municipal Code are activated and shall be vigorously enforced;
7. The normal CITY goods and service procurement requests and purchase practices are stayed during this period of emergency, as necessary to procure and respond to the Local Emergency. In addition to the powers already authorized by City Council, the Director of Emergency Services is empowered to exercise all powers granted by any local, state, or federal emergency laws, rules and regulations, and such procurements made by the Director of Emergency Services are hereby ratified. The Director of Emergency Services is authorized to appropriate and expend any CITY funds deemed necessary by the Director in writing, including unappropriated CITY reserve funds, to exercise any of said emergency powers or procurement powers, and to transfer such funds to corresponding CITY budget line items or categories;
8. The COUNCIL hereby suspends the deadlines under the California Environmental Quality Act and the California Permit Streamlining Act for the duration of the emergency unless rescinded by the City Council;
9. All CITY officers and employees shall take all steps requested by the Director of Emergency Services to prevent the spread of Covid-19 and to prevent or alleviate illness or death due to the virus;
10. All CITY officers and employees shall take all steps requested by the Director of Emergency Services to qualify the CITY for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the CITY for the expenses it incurs in addressing this emergency;
11. The Director of Emergency Services may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries when necessary to preserve the public order and safety, per Government Code section 8634;

12. Consistent with California Governor's Executive Order N-28-20, a temporary moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 crisis is imposed. The City Manager and City Attorney shall promulgate regulations and processes to implement this moratorium;
13. The content of this resolution shall be given widespread publicity and notice as is reasonable and feasible under these circumstances; and
14. This Local Emergency shall continue until it is terminated by proclamation of the COUNCIL. Pursuant to Section 8630 of the Government Code, the COUNCIL shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the COUNCIL, and at each regular COUNCIL meeting thereafter.

PASSED AND ADOPTED this 17<sup>th</sup> Day of March, 2020.

\_\_\_\_\_  
Al Adam, Mayor  
City of Thousand Oaks, California

ATTEST:

\_\_\_\_\_  
Cynthia M. Rodriguez, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

\_\_\_\_\_  
Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

\_\_\_\_\_  
Andrew P. Powers, City Manager

**PROCLAMATION AND ORDER OF THE DIRECTOR OF EMERGENCY SERVICES  
FOR THE CITY OF THOUSAND OAKS PROCLAIMING  
EXISTENCE OF A LOCAL EMERGENCY**

WHEREAS, pursuant to Section 4-4.05 of the Thousand Oaks Municipal Code the Director of Emergency Services may proclaim the existence or threatened existence of a Local Emergency when the City of Thousand Oaks (hereinafter referred to as "City"), is affected or likely to be affected by a public calamity and the Thousand Oaks City Council is not in session; and

WHEREAS, the Director of Emergency Services shall have that proclamation confirmed by the City Council at the earliest practical time thereafter; and

WHEREAS, the Director of Emergency Services of the City does hereby find:

- (a) The Health Official of the County of Ventura declared a Local Health Emergency on or about 5:50p.m., March 12, 2020 in response to the COVID-19 pandemic; and
- (b) That the conditions of the COVID-19 pandemic, if fully manifested, pose extreme peril to the health and safety of persons and property within the City and are, or are likely to be, beyond the control and capacity of the services, personnel, equipment and facilities of the City; and
- (b) That the City Council of the City of Thousand Oaks is not in session (and cannot immediately be called into session); and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a Local Emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that:

1. A Local Emergency now exists throughout City;
2. During the existence of said Local Emergency the powers, functions and duties of the emergency organization of City shall be those prescribed by state law, by ordinances and resolutions of City, and by the City of Thousand Oaks' Emergency Operations Plan, as approved by the City Council;
3. During the existence of said Local Emergency, City shall follow and impose all directives, mandates, Executive Orders and any other emergency related restrictions issued by the State of California and/or the County of Ventura, including any and all social distancing recommendations.

4. Until further notice, all non-essential City facilities with a capacity of 250 people or more are closed to the public, and all non-essential City sponsored events are cancelled or postponed to a future date.
5. The excessive price gouging and increase prohibitions of sections 5-19.01 et seq. of the Thousand Oaks Municipal Code are activated and shall be enforced;
6. The normal City goods and service procurement requests and purchase practices are stayed during this period of emergency]; and
7. This condition and powers of a Local Emergency shall continue for no more than seven (7) days unless this proclamation is confirmed by a resolution of the City Council pursuant to Section 8630 of the Government Code.

Dated: 3.12.20

By:



Director of Emergency Services  
City of Thousand Oaks

Approved as to Form  
Office of City Attorney



Tracy M. Noonan  
City Attorney

Date