

RESOLUTION NO. 2020-016

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF THOUSAND OAKS RENDERING
CERTAIN EMERGENCY ORDERS

WHEREAS, California Government Code section 8630 empowers the City Council of the City of Thousand Oaks ("COUNCIL") to confirm the existence or threatened existence of a Local Emergency when the City is affected or likely to be affected by a public calamity; and,

WHEREAS, California Government Code section 8634 empowers 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 (TOMC), the Director of Emergency Services of the City of Thousand Oaks made a Proclamation of Local Emergency on March 12, 2020; 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, on March 4, 2020, the Governor of the State of California (Governor) declared a state of emergency to make additional resources available and formalize emergency actions; and

WHEREAS, on March 12, 2020, the Governor 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 (County) declared a local health emergency and further declared that there is an imminent and proximate threat of COVID-19 spreading in the County 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 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, on March 17, 2020, the COUNCIL adopted Resolution No. 2020-10 ratifying the Proclamation of the Existence of Local Emergency and Rendering Certain Emergency Orders; and

WHEREAS, the Governor's Executive Order N-28-20 suspends until May 31, 2020, unless extended, 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, including, but not limited to, California Civil Code Sections 1940 et seq. or 1954.25 et seq., 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 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 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), said cause commencing on or about 6:00 p.m. on March 12, 2020; and

WHEREAS, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

WHEREAS, one of the Emergency Orders contained in Resolution No. 2020-10 was a temporary moratorium on eviction for non-payment of rent by residential tenants impacted by the COVID-19 crisis and a direction to the City Manager and City Attorney to promulgate regulations and processes to implement the moratorium; and

WHEREAS, pursuant to Resolution No. 2020-10, the Director of Emergency Services may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, on March 24, 2020, the Director of Emergency Services issued Executive Order 2020-02 which imposed a temporary moratorium on commercial and residential evictions to run until May 31, 2020; and

WHEREAS, on May 4, 2020, the Governor issued guidance for the eventual reopening of restaurants in counties certified as meeting state benchmarks for addressing the COVID-19 pandemic; and

WHEREAS, on May 20, 2020 the Governor declared that County could initiate a new phase of reopening, and County issued an order allowing for certain businesses to reopen with specific social distancing requirements; and

WHEREAS, the Greater Conejo Valley Chamber of Commerce Foundation has created the Conejo Valley Small Business Relief Fund in order to support local small businesses as they reopen under new social distancing protocols; and

WHEREAS, through the TOMC, the City regulates restaurants in several ways including requirements that they adhere to specific building and safety codes, minimum parking standards, and operate pursuant to approved conditions, plans, and specifications; and,

WHEREAS, the City wishes to support local businesses and make it easier for them to reopen within the guidelines of the State and County Orders. To that end, certain temporary changes to minimum parking standards, outdoor dining limitations and areas for dining service may be needed to assist local business in reopening for patrons.

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

1. The City Manager and City Attorney shall promulgate rules and procedures to temporarily waive certain TOMC provisions or previously approved operating conditions to allow flexibility for businesses to provide outdoor dining in order to comply with State and County social distancing requirements.
2. In the event that the Governor extends the temporary statewide moratorium on eviction for non-payment of rent by commercial and/or residential tenants impacted by the COVID-19 crisis currently set to expire on May 31, 2020, the City's moratorium put in place by Resolution 2020-10 and Executive Order 2020-02 will hereby be extended for an additional 30 days or until such specific date as adopted by the Governor's Order.
3. The City shall make a donation of \$20,000 as a partner in the Conejo Valley Small Business Relief Fund in order to support the reopening of businesses located in the City of Thousand Oaks.
4. The content of this resolution shall be given widespread publicity and notice as is reasonable and feasible under these circumstances.

PASSED AND ADOPTED this 26th Day of May, 2020.


Al Adam, Mayor
City of Thousand Oaks, California

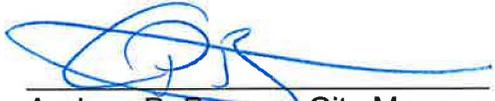
ATTEST:


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

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF THOUSAND OAKS)

I, CYNTHIA M. RODRIGUEZ, City Clerk of the City of Thousand Oaks, DO
HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution
No. 2020-016 which was duly and regularly passed and adopted by said City
Council at a regular meeting held May 26, 2020 by the following vote:

AYES: Councilmembers Engler, Jones, Bill-de la Peña, and Mayor Adam

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the
official seal of the City of Thousand Oaks, California.


Cynthia M. Rodriguez, City Clerk
City of Thousand Oaks, California


Date Attested