

## RESOLUTION NO. 20-25

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WALNUT RATIFYING THE PROCLAMATION OF LOCAL EMERGENCY AND PROCLAIMING EXISTENCE OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)**

**WHEREAS**, California Government Code 8630, et seq., and Walnut Municipal Code Section 3.12.060 provide that the City Council may proclaim the existence of a local emergency when the City of Walnut is affected or likely to be affected by public calamity; and

**WHEREAS**, the City Council has been requested by the City Manager as the Director of Emergency Services to proclaim the existence of a local emergency in the City of Walnut; and

**WHEREAS**, COVID-19 has spread globally to over 117 countries, infecting more than 126,000 persons and killing more than 4,600 individuals worldwide. As of March 16, 2020, there were 94 cases, including four by community transmission, in Los Angeles County and one death related to COVID-19. Due to the expanding list of countries with widespread transmission of COVID-19, increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention ("CDC"), the escalation of United States domestic cases of and deaths from COVID-19, and the identification of COVID-19 cases in California, including Los Angeles County, COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency for COVID-19; and

**WHEREAS**, on February 26, 2020, the CDC confirmed the first possible case of community transmission of COVID-19 in the United States; and

**WHEREAS**, on March 4, 2020, the Health Officer of Los Angeles County determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Los Angeles County and declared a Local Health Emergency and the Los Angeles County Board of Supervisors concurrently proclaimed the existence of a local emergency for the County of Los Angeles; and

**WHEREAS**, on March 4, 2020, Governor Newsom of the State of California declared a State of Emergency in response to the COVID-19 (Corona Virus Disease 19); and,

**WHEREAS**, on March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and,

**WHEREAS**, on March 12, 2020 Governor Newsom of the State of California issued Executive Order N-25-20 in a further effort to confront and contain COVID-19 that among other things suspended certain provision of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and,

**WHEREAS**, on March 13, 2020, the President of the United States declared a National Emergency due to the continue spread and the effects of COVID-19; and,

**WHEREAS**, on March 17, 2020, the City Manager acting in his capacity as Director of Emergency Services proclaimed the existence of a local emergency throughout the City of Walnut and has requested the City Council to ratify and confirm the Proclamation of Local Emergency by adoption of this Resolution; and

**WHEREAS**, the State of California and numerous other public and provide organizations have announced the cancellation or postponement of all events where social distancing cannot be reasonably achieved; and,

**WHEREAS**, due to the expanding list of countries with widespread transmission of COVID-19, increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the Centers for Disease Control and Prevention ("CDC"), the escalation of United States domestic cases of and deaths from COVID-19, and the identification of COVID-19 cases in California, including Los Angeles County, COVID-19 has created conditions that are likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

**WHEREAS**, the health, safety and welfare of Walnut residents, businesses, visitors and staff is of utmost importance to the City and extraordinary measures to protect the public health, safety and welfare that are beyond the control of the services, personnel, equipment and facilities of the City of Walnut may be needed to protect the community; and

**WHEREAS**, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and seek future reimbursement by the State and Federal governments will be critical to successfully responding to COVID-19; and

**WHEREAS**, the City Council does hereby find the following:

1. That the above Recitals are true and correct and based thereon, hereby finds that the spread and potential further spread of COVID-19 constitutes a situation that severely impairs the public health and safety and constitutes conditions of extreme peril to the safety of persons and property within the City of Walnut;
2. That these conditions are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of Walnut;

3. That the conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency;
4. That the efforts required to prepare for, respond to, mitigate and recover from the increasing spread of COVID-19 impose extraordinary demands which require the resources and coordinated and collaborative effort among the County of Los Angeles and the incorporated cities together with guidance and assistance on statewide, nationwide and worldwide levels.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALNUT DOES HEREBY RATIFY THE FINDINGS CONTAINED IN THE PROCLAMATION OF LOCAL EMERGENCY ISSUED MARCH 17, 2020; and**

**IT IS HEREBY PROCLAIMED** that a local emergency now exists throughout the City of Walnut.

**IT IS HEREBY FURTHER PROCLAIMED AND ORDERED** that during the threatened existence and actual existence of the local emergency, the powers, functions and duties of the Director of Emergency Services and the Disaster Council of the City shall be those prescribed by state law, by ordinances and resolutions of the City and approved by the City Council.

**IT IS FURTHER PROCLAIMED AND ORDERED** that the City Council will utilize, to the extent reasonably feasible and appropriate, the ability to conduct its council meetings via teleconferencing and other electronic means to permit councilmembers and members of the public to adopt social distancing to the greatest extent possible while still proceeding with the efficient handling of the City's business, in compliance with California Executive Order N-25-20.

**IT IS FURTHER PROCLAIMED AND ORDERED** that a copy of this proclamation be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with State law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in Los Angeles County; that the Governor waive regulations that may hinder response and recovery efforts; that response and recovery assistance be made available under the California Disaster Assistance Act and the Stafford Act; and that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs.

**IT IS FURTHER ORDERED** that in accordance with Executive Order N-28-20 and applicable state law and subject to the jurisdictional limits of the authority of the City of Walnut, a temporary moratorium on eviction for non-payment of rent by residential and commercial tenants impacted by the COVID-19 crisis is imposed as follows:

- a. During the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a tenant in either of the following situations: (1) for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 or (2) for a no-fault eviction unless

necessary for the health and safety of tenants, neighbors, or the landlord. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant's inability to pay rent within the meaning of this Order if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this Order, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. Nothing in this Order shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Order; nor may a landlord seek rent that is delayed for the reasons stated in this Order through the eviction process.

b. For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

c. For purposes of this Order, "no-fault eviction" refers to any eviction for which the notice to terminate tenancy is not based on alleged fault by the tenant.

d. This Order applies to nonpayment eviction notices, no-fault eviction notices, and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

e. This Order shall be punishable as set forth in Section 3.12.100 of the Walnut Municipal Code. In addition, this Order grants a defense in accordance with Executive Order N-28-20 and applicable state law and subject to the jurisdictional limits of the authority of the City of Walnut in the event that an unlawful detainer action is commenced in violation of this Order.

f. This Order shall be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order.

**IT IS FURTHER PROCLAIMED AND ORDERED** that said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Walnut, State of California.

**PASSED, APPROVED AND ADOPTED** this 23rd day of March, 2020.



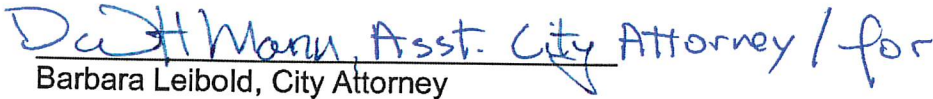
\_\_\_\_\_  
Andrew Rodriguez, Mayor

ATTEST:



\_\_\_\_\_  
Teresa De Dios, City Clerk

APPROVED AS TO FORM:



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Barbara Leibold, City Attorney