



## SOUTH GATE CITY COUNCIL SPECIAL MEETING AGENDA

Wednesday, April 15, 2020 at 6:00 p.m.

### **TELECONFERENCE**

**DIAL-IN-NUMBER: 1-669-900-6833**

**MEETING ID: 936 3247 2637 #**

#### **I. Call To Order/Roll Call With Invocation & Pledge**

<b>CALL TO ORDER</b>	, Mayor
<b>INVOCATION</b>	Joe Perez, Director of Community Development
<b>PLEDGE OF ALLEGIANCE</b>	Carmen Avalos, City Clerk
<b>ROLL CALL</b>	Carmen Avalos, City Clerk

#### **II. City Officials**

<b>MAYOR</b>	<b>CITY CLERK</b> Carmen Avalos
<b>VICE MAYOR</b> Denise Diaz	<b>CITY TREASURER</b> Gregory Martinez
<b>COUNCIL MEMBERS</b> Maria del Pilar Avalos Maria Davila Gil Hurtado Al Rios	<b>CITY MANAGER</b> Michael Flad  <b>CITY ATTORNEY</b> Raul F. Salinas

#### **COVID 19 Meeting Procedures**

Pursuant to Governor Newsom's Executive Order N-29-20, dated March 17, 2020, members of the South Gate City Council, staff, and the public will participate in the April 15, 2020 meeting via a teleconference. To avoid exposure to COVID-19 this meeting will be

held with City Council Members participating via teleconference by calling Dial-in-Number: 1-669-900-6833 and Meeting ID: 936 3247 2637 #

Additionally, you may submit your comments electronically by emailing the City Clerk at [cavalos@sogate.org](mailto:cavalos@sogate.org).

**Procedure for Participation:**

Any person wanting to participate may request to “speak” on an agenda item. Once acknowledged and authorized by the Mayor the person may speak. Alternatively, any person may submit comments on an item electronically by emailing [cavalos@sogate.org](mailto:cavalos@sogate.org). Submissions by email must be received 30 minutes prior to the posted start time of the meeting if emailing subject.

Subject line should read: **COMMENTS FOR ITEM \_\_\_\_\_, MEETING OF APRIL 15, 2020.**

**Accessibility:** Reasonable accommodations for individuals with disabilities will be handled on a case-by-case basis and in accordance with the Americans with Disabilities Act and Governor Newsom’s Executive Order N-29-20. Please call the Office of the City Clerk at 323.563.9510.

**III. Meeting Compensation Disclosure**

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by City Council Members is \$650 monthly regardless of the amount of meetings.

**IV. Open Session Agenda**

**1. South Gate 15th Annual Earth Day Celebration**

The Mayor will issue a Proclamation declaring April 22, 2020, as the 15th Annual Earth Day “Virtual” Celebration in the City of South Gate, and the 50th Anniversary of the first Earth Day held on April 22, 1970.

Documents:

[ITEM 1 REPORT 04152020.PDF](#)

**2. Resolution Ratifying Executive Order No. 04.08.2020 Extending The Restriction On Evictions**

The City Council will consider adopting a Resolution ratifying the issuance of Executive Order No. 04.08.2020 by the Director of Emergency Services extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the Coronavirus Disease 2019 pandemic.

Documents:

### **3. Resolution Authorizing The City To Seek Reimbursement For COVID-19 Expenses**

The City Council will consider adopting a Resolution approving and adopting the State of California Governor's Office of Emergency Services' Cal OES 130 Form, Designation of Applicant's Agent Resolution for Non-State Agencies, for the purpose of obtaining post-disaster Coronavirus Disease 2019 (COVID-19) Public Assistance Grants from Cal OES and FEMA.

Documents:

## **V. Adjournment**

I, Carmen Avalos, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted April 14, 2020 at 4:47 p.m., as required by law.

Carmen Avalos, CMC  
City Clerk

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office

8650 California Avenue, South Gate, California 90280  
(323) 563-9510 \* fax (323) 563-5411 \* [www.cityofsouthgate.org](http://www.cityofsouthgate.org)

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk.

Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility.

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# City of South Gate

# Item No. 1

CITY COUNCIL

APR 9 2020

CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

4:15pm

## AGENDA BILL

For the Special Meeting of: April 15, 2020

Department Director:

*Arturo Cervantes*

Originating Department: Public Works

City Manager:

*Michael Flad*  
Michael Flad

**SUBJECT: SOUTH GATE'S 15<sup>th</sup> ANNUAL EARTH DAY CELEBRATION**

**PURPOSE:** To recognize Earth Day to support environmental protection through civic engagement, education and raising awareness of environmental issues.

**RECOMMENDED ACTION:** The Mayor will issue a Proclamation declaring April 22, 2020, as the 15<sup>th</sup> Annual Earth Day "Virtual" Celebration in the City of South Gate, and the 50<sup>th</sup> Anniversary of the first Earth Day held on April 22, 1970.

**FISCAL IMPACT:** There is no fiscal impact to the General Fund.

**ALIGNMENT WITH COUNCIL GOALS:** This event aligns with the City Council's Goal of prioritizing civic engagement. The Annual Earth Day Celebration is in the City Council's Work Program for Fiscal Year 2019/20.

**ANALYSIS:** The City holds the Earth Day event on an annual basis at the South Gate Park, but the recent policies implemented due to the COVID-19 pandemic led to the cancellation of the physical event. The City will hold its 15<sup>th</sup> Annual Earth Day event on Saturday, April 22, 2020 by hosting a virtual website where residents can visit to learn more about community cleanup, graffiti removal, trash pick-up activities and other methods by which they can participate in Earth Day.

Earth Day provides an opportunity for the City's residents and businesses to get involved. Last year, over 20 booths provided services and information to over 250 participants. Waste Management, Central Basin Municipal Water District, Southern California Gas Company, Southern California Edison Company, Golden State Water Company, Los Angeles County Department of Public Works and Target were amongst those who participated.

**BACKGROUND:** The City is one of many communities worldwide that celebrates Earth Day to acknowledge the importance of maintaining the Earth's natural resources. The first nationally celebrated Earth Day was proposed by Wisconsin Senator Gaylord Nelson for a national environmental teach-in on April 22, 1970. Twenty million people celebrated the first Earth Day. Below is a brief history of Earth Day:

**In the 1970's:** President Richard Nixon creates the Environmental Protection Agency (EPA) with a mission to protect the environment and public health; Congress, (a) amends the Clean Air Act to set national air quality, auto emission, and anti-pollution standards, and (b) passes the Clean Water Act, limiting raw sewage and other pollutants flowing into rivers, lakes, and streams; President Gerald Ford

signs the Toxic Substances Control Act to reduce environmental and human health risks; and President Jimmy Carter signs the Clean Air Act Amendments to strengthen air quality standards and protect human health.

**In the 1980's:** Congress, (a) creates a superfund to clean-up hazardous waste sites, and polluters are made responsible for cleaning up the most hazardous sites, (b) declares the public has a right to know when toxic chemicals are released into air, land, and water, and (c) bans ocean dumping of sewage sludge and industrial waste.

**In the 1990's:** President George Bush signs the Pollution Prevention Act, emphasizing the importance of preventing environmental damage; President Bill Clinton signs the Food Quality Protection Act to tighten standards for pesticides used to grow food, with special protections to ensure foods are safe for children to eat; and EPA issues tough new air quality standards for smog and soot, an action that would improve air quality for 125 million Americans.

**In the 2000's:** The EPA establishes regulations requiring more than 90 percent cleaner heavy duty highway diesel engines and fuel; President George W. Bush signs the Healthy Forest Restoration Act, helping to prevent forest fires and safeguard and preserve forests; and WaterSense is launched to raise awareness about the importance of water efficiency, ensure the performance of water-efficient products, and provide good consumer information.

**In 2010:** In honor of the 40<sup>th</sup> anniversary of Earth Day, a Climate Rally and Concert was held on the National Mall in Washington, D.C.

**In 2020:** In honor of the 50<sup>th</sup> anniversary of the first Earth Day, the City will celebrate its Fifteenth Annual Earth Day event this year by hosting a virtual website where residents can learn more about Earth Day and environmental protection.

**ATTACHMENT:** Proclamation

AM:lc

# City of South Gate



From the Honorable  
**Mayor**

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## PROCLAMATION

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### *Declaring April 22, 2020 as the 15<sup>th</sup> Annual Earth Day Celebration and 50<sup>th</sup> Anniversary of the First Earth Day*

**WHEREAS,** *the first Earth Day was observed on April 22, 1970 to bring awareness to the environmental health of our planet with activities designed to educate citizens about Earth's environment and threats to the environment; and*

**WHEREAS,** *this year marks the 50<sup>th</sup> Anniversary of Earth Day which will be observed and celebrated; and*

**WHEREAS,** *the City will also observe and celebrate its 15<sup>th</sup> Annual Earth Day on April 22, 2020 by hosting a virtual website where the community can learn more about Earth Day and Environmental Protection; and*

**WHEREAS,** *the City is inviting and encouraging all citizens, businesses, schools and organizations to participate in the Earth Day festivities as presented on the virtual website; and*

**WHEREAS,** *education and awareness of environmental sound practices will create a community that thinks and acts as a responsible trustee of our planet earth.*

**NOW, THEREFORE,** *be it proclaimed on this 15<sup>th</sup> day of April 2020 that the Mayor of the City of South Gate, on behalf of the City Council and citizens do hereby proclaim April 22, 2020, as the 15<sup>th</sup> Annual Earth Day Celebration in the City of South Gate and 50<sup>th</sup> Anniversary of the first Earth Day. Everyone is encouraged to participate in Earth Day activities in the comfort of your own home.*

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Mayor



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APR 8 2020

City of South Gate  
CITY COUNCIL

CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

5:35pm

AGENDA BILL

For the Special Meeting of: April 15, 2020

Originating Department: Community Development

Department Director:

*Joe Perez*  
Joe Perez

City Manager:

*Michael Flad*  
Michael Flad

**SUBJECT: RESOLUTION RATIFYING EXECUTIVE ORDER NO. 04.08.2020 BY THE DIRECTOR OF EMERGENCY SERVICES EXTENDING THE RESTRICTION ON EVICTIONS OF COMMERCIAL AND RESIDENTIAL TENANTS TO MAY 31, 2020 DUE TO THE CORONAVIRUS DISEASE 2019 PANDEMIC**

**PURPOSE:** To consider adopting a Resolution ratifying an executive order that extends the restriction on evictions of commercial and residential tenants due to the nonpayment of rent where the failure to pay rent results from income loss resulting from the Coronavirus Disease 2019 (COVID-19) pandemic. This Resolution is effective immediately, upon adoption, and will remain in effect through and including May 31, 2020.

**RECOMMENDED ACTION:** Adopt Resolution ratifying the issuance of Executive Order No. 04.08.2020 by the Director of Emergency Services extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the Coronavirus Disease 2019 pandemic.

**FISCAL IMPACT:** None.

**ANALYSIS:** The COVID-19 pandemic continues to impact the operations of restaurants, schools, businesses and other establishments throughout City. These disruptions have mostly been the result of the County and State orders to close businesses, restrict services provided to the public, or limit the number of persons that can gather in contained areas. As a result of this public health emergency and the precautions recommended by health authorities, many residential and commercial tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss.

Federal Actions

On March 18, 2020, the Department of Housing and Urban Development (HUD) suspended evictions and foreclosures through the end of April, 2020. HUD's action applies only to homeowners with mortgages insured by the Federal housing administration, a HUD agency that backs affordable home loans issued through private firms.

State Executive Order

On March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 (Attachment E) that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020.

### City of South Gate Resolution 2020-08-CC

On March 24, 2020, the City Council adopted Resolution No. 2020-08-CC, ratifying Executive Order No. 03.18.2020, which declared a temporary moratorium on evictions for nonpayment of rent by residential or commercial tenants impacted by the COVID -19 crisis. This Executive Order was issued on March 18, 2020 by the Director of Emergency Services. The Resolution and Executive Order remain in effect through and including April 30, 2020. Landlords are also prohibited from evicting tenants for no fault evictions unless necessary for Health and Safety purposes. Said Resolution requires tenants to demonstrate that they are unable to pay their rent due to financial impacts related to COVID-19. The tenant, within 30 days after the date the rent is due, must notify the landlord in writing of their lost income and inability to pay the full rent due to financial impacts related to COVID-19 and provide documentation for support of the claim.

In addition, Resolution No. 2020-08-CC applies if the inability to pay rent is due to substantial medical costs related to COVID-19. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim. For purposes of this Resolution "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 COVID19; (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.

### Proposed City Resolution

The proposed Resolution ratifies the issuance of Executive Order No. 04.08.2020, by the Director of Emergency Services of April 8, 2020 extending the restriction on evictions of commercial and residential tenants to May 31, 2020. The proposed Resolution does not relieve the tenant from eventually paying rent, and encourages landlords to provide tenants up to six (6) months following the expiration of Executive Order No. 04.08.2020, which is May 31, 2020, to repay any back due rent. During the period from March 18, 2020 through and including May 31, 2020, a landlord may not use the eviction process to charge or collect a late fee for such rent that is delayed for the reasons stated in Executive Order No. 04.08.2020. It should be noted that the proposed Resolution contains the same provisions included in Resolution No. 2020-08-CC.

On a separate matter, but also included in Executive Order No. 04.08.2020, is the following: in lieu of "in person" opening of public works bids, and consistent with South Gate Municipal Code Section 1.54.440.B, and the "shelter in place" and social distancing directives of state and local officials, during the period in which this Order remains effective, which is March 18, 2020 through and including May 31, 2020, bids received in connection with public work solicitations may be conducted electronically through teleconferencing in lieu of "in person" participation.

**BACKGROUND:** On March 4, 2020, Los Angeles County declared a local and public health state of emergency in response to the increased spread of COVID-19, the disease caused by the novel coronavirus. In response to the global pandemic, experts are urging all individuals to practice social distancing, which refers to avoiding close contact with other individuals in order to avoid catching the virus yourself and to avoid passing it on to others. The Centers for Disease Control and Prevention



recommends that people who are mildly ill with COVID-19 or other similar illnesses self-isolate to avoid interacting in public. The State of California has also issued a policy that large gatherings should be rescheduled or canceled, while smaller events can proceed only if the organizers can implement social distancing of six feet per person. While these measures are necessary to fight the global pandemic, they can have extreme economic impacts. Fear of the widening public health crisis has impacted consumer behavior, and as a result, people in our community may see their incomes reduced or may have to take time off work to care for their health or the health of family members. In the face of this uncertainty, residents and business owners may need to make difficult financial decisions and may be unable to pay rent due to reduced income.

During a state of emergency, it is a crime for a landlord to take advantage of the situation by evicting a tenant and then raising the rent above the existing tenant's rent under Penal Codes. 396(f). In addition to the City's general police power under article XI, section 7 of the California Constitution to make and enforce within its limits all local, police, sanitary, and other Resolutions and regulations not in conflict with general laws, during a local emergency, Government Code, § 8634 (and WHMC Chapter 2.80) also authorize the City to promulgate orders and regulations necessary to provide for the protection of life and property.

- ATTACHMENTS:**
- A. Proposed Resolution (with Executive Order No. 04.08.2020)
  - B. South Gate Resolution 2020-08-CC (with Executive Order No. 03.18.2020)
  - C. State of California Executive Order N-28-20

**RESOLUTION NO.**

**CITY OF SOUTH GATE  
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, RATIFYING THE ISSUANCE OF EXECUTIVE ORDER  
NO. 04.08.2020 BY THE DIRECTOR OF EMERGENCY SERVICES  
EXTENDING THE RESTRICTION ON EVICTIONS OF COMMERCIAL  
AND RESIDENTIAL TENANTS TO MAY 31, 2020 DUE TO  
THE CORONAVIRUS DISEASE 2019 PANDEMIC**

**WHEREAS**, since the outbreak of the respiratory disease named Coronavirus Disease 2019, abbreviated COVID-19 ("COVID-19"), international, national, state, and local health and governmental authorities are responding to the ongoing COVID-19 pandemic; 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, the Governor of the State of California declared a state of emergency 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 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020; and

**WHEREAS**, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

**WHEREAS**, on March 19, 2020, as the State Public Officer and Director of the California Department of Public Health, the Governor of the State of California issued Executive Order N-33-20, a stay at home or at their place of residence order until further notice, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the Governor of the State of California 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 individuals directly affected by COVID-19 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**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

**WHEREAS**, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

**WHEREAS**, the City desires to continue to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

**WHEREAS**, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

**WHEREAS**, it is the intent of the City to continue to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

**WHEREAS**, on March 18, 2020, serving as the Director of Emergency Services, issued Executive Order No. 03.18.2020 restricting evictions of commercial and residential tenants through and including April 30, 2020 due to the spread of the COVID-19; and

**WHEREAS**, the Los Angeles Superior Court announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

**WHEREAS**, on April 6, 2020, the Judicial Council of California placed a hold on nearly all evictions in the State of California (1) suspending all unlawful detainer actions (not involving health or safety reasons) until 90 days after California's COVID-19 state of emergency crisis ends; (2) preventing the entry of default and/or default judgments in unlawful detainer actions unless the court finds a health and safety reason; (3) and mandating that unlawful detainer actions be set no earlier than 60 days after a request for trial, unless there is a health or safety reason, and continuing trials presently on calendar as of April 1, 2020 to be continued for at least 60 days; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the COVID-19 pandemic, it is necessary to exercise the authority to issue this regulation related to the protection of life and property; and

**WHEREAS**, on April 8, 2020, the Director of Emergency Services issued Executive Order No. 04.08.2020 extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the COVID-19 pandemic.

[Remainder of page left blank intentionally.]

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby ratifies the issuance of Executive Order No. 04.08.2020 by the Director of Emergency Services extending the restriction on evictions of commercial and residential tenants to May 31, 2020 due to the COVID-19 pandemic, attached hereto as Exhibit "A" and dated April 8, 2020.

**SECTION 2.** The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of March 2020.**

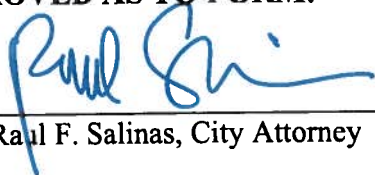
**CITY OF SOUTH GATE:**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

By: \_\_\_\_\_  
Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By:  \_\_\_\_\_  
Raul F. Salinas, City Attorney



**Exhibit "A"**

RECEIVED AND FILED  
CITY OF SOUTH GATE  
3000 S. GATEWAY BLVD.  
SOUTH GATE, CA 90265

APR -3 PM 5:43

**PROCLAMATION ISSUING EXECUTIVE ORDER NO. 04.08.2020 BY  
THE DIRECTOR OF EMERGENCY SERVICES EXTENDING THE  
RESTRICTION ON EVICTIONS OF COMMERCIAL AND  
RESIDENTIAL TENANTS TO MAY 31, 2020 DUE TO  
THE CORONAVIRUS DISEASE 2019 PANDEMIC**

**WHEREAS**, since the outbreak of the respiratory disease named Coronavirus Disease 2019, abbreviated COVID-19 ("COVID-19"), international, national, state, and local health and governmental authorities are responding to the ongoing COVID-19 pandemic; 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, the Governor of the State of California declared a state of emergency 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 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

**WHEREAS**, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 through May 31, 2020; and

**WHEREAS**, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

**WHEREAS**, on March 19, 2020, as the State Public Officer and Director of the California Department of Public Health, the Governor of the State of California issued Executive Order N-33-20, a stay at home or at their place of residence order until further notice, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; and

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the Governor of the State of California 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 individuals directly affected by COVID-19 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**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

**WHEREAS**, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

**WHEREAS**, the City desires to continue to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

**WHEREAS**, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

**WHEREAS**, it is the intent of the City to continue to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

**WHEREAS**, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

**WHEREAS**, on March 18, 2020, serving as the Director of Emergency Services, issued Executive Order No. 03.18.2020 restricting evictions of commercial and residential tenants through and including April 30, 2020 due to the spread of the COVID-19; and

**WHEREAS**, on April 6, 2020, the Judicial Council of California placed a hold on nearly all evictions in the State of California (1) suspending all unlawful detainer actions (not involving health or safety reasons) until 90 days after California's COVID-19 state of emergency crisis ends; (2) preventing the entry of default and/or default judgments in unlawful detainer actions unless the court finds a health and safety reason; (3) and mandating that unlawful detainer actions be set no earlier than 60 days after a request for trial, unless there is a health or safety reason, and continuing trials presently on calendar as of April 1, 2020 to be continued for at least 60 days; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the continued spread of COVID-19, it is necessary to exercise my authority to issue this regulation to continue to protect life and property.

**NOW, THEREFORE**, I, Michael Flad, the Director of Emergency Services for the City of South Gate, do hereby issue the following Executive Order No. 04.08.2020 ("Order") extending Executive Order No. 03.18.2020 to become effective immediately, subject to ratification as soon as practicable by the City Council:

**IT IS HEREBY ORDERED THAT:**

The temporary moratorium on the eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:

**For purposes of this Order, from March 18, 2020 through and including May 31, 2020, no landlord shall endeavor to evict a residential or commercial tenant in either of the following situations:**

- (1) For nonpayment of rent if the tenant proves that the tenant is unable to pay rent due to financial impacts strictly 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 the rent temporarily for the reasons set forth above shall not serve a notice pursuant to California Code of Civil Procedure 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 strictly 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 on such terms as may be set by a judge assigned to hear the unlawful detainer action. During the period, from March 18, 2020 through and including May 31, 2020, a landlord also may not use the eviction process to charge or collect a late fee for such rent that is delayed for the reasons stated in this Order. **For clarification purposes, this Order does not relieve a tenant from the obligation to pay rent, or restrict the landlord's ability to recover rent that is due, after the expiration date of this Order, or upon the expiration of any subsequent Order which may extend the May 31, 2020 date. Nothing in this subsection shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Landlords are encouraged to provide tenants up to six (6) months following the expiration of this Order to repay any back due rent.**

For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income because 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.

~~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, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.~~

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.

Subject to judicial review on a case by case basis, this Order grants a defense if an unlawful detainer action is commenced in violation of this Order.

On a separate matter, in lieu of "in person" opening of public works bids, and consistent with South Gate Municipal Code Section 1.54.440.B, and the "shelter in place" and social distancing directives of state and local officials, during the period in which this Order remains effective, bids received in connection with public work solicitations may be conducted electronically through teleconferencing in lieu of "in person" participation.

This Order shall be superseded by further Order by the Director of Emergency Services adopted during the local emergency that expressly superseding this Order, or by superseding action taken by the City Council.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

**THIS EXECUTIVE ORDER NO. 04.08.2020 IS HEREBY ISSUED ON THIS 8<sup>th</sup> DAY OF APRIL 2020, AND IS EFFECTIVE IMMEDIATELY.**

**CITY OF SOUTH GATE:**

By: 

Michael Flad, City Manager/  
Director of Emergency Services

**ATTEST:**

By: 

Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By: 

Raul F. Salinas, City Attorney



**RESOLUTION NO. 2020-08-CC**

**CITY OF SOUTH GATE  
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, RATIFYING THE ISSUANCE OF EXECUTIVE ORDER  
NO. 03.18.2020 BY THE DIRECTOR OF EMERGENCY SERVICES  
RESTRICTING EVICTION OF COMMERCIAL AND RESIDENTIAL  
TENANTS DUE TO THE SPREAD OF THE CORONAVIRUS DISEASE 2019**

**WHEREAS**, international, national, state, and local health and governmental authorities are responding to an outbreak of 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, ("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, the Governor of the State of California declared a state of emergency 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 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the Governor of the State of California 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 individuals directly affected by COVID-19 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**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, on March 18, 2020, the Federal Housing Finance Agency has directed Fannie Mae and Freddie Mac to suspend foreclosures and evictions for a limited time due to the coronavirus national emergency. Borrowers impacted by the coronavirus may apply to their lender for a mortgage payment to be suspended for up to 12 months due to hardship caused by the coronavirus; and

**WHEREAS**, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

**WHEREAS**, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

**WHEREAS**, the City desires to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

**WHEREAS**, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

**WHEREAS**, it is the intent of the City to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

**WHEREAS**, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

**WHEREAS**, loss of income because of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties; and

**WHEREAS**, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that people regularly wash their hands will help to prevent the further spread of COVID-19; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise the authority to issue this regulation related to the protection of life and property; and

**WHEREAS**, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City pursuant to Section 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

**WHEREAS**, on March 18, 2020, the Director of Emergency Services also issued Executive Order No. 03.18.2020 to restrict eviction of commercial and residential tenants due to the spread of the COVID-19.

[Remainder of page left blank intentionally.]

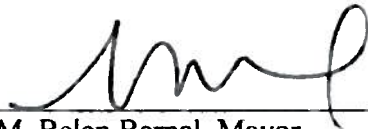
**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby ratifies the issuance of Executive Order No. 03.18.2020 by the Director of Emergency Services restricting eviction of commercial and residential tenants due to the spread of the COVID-19, attached hereto as Exhibit "A" and dated March 18, 2020.

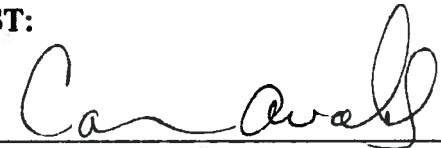
**SECTION 2.** The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED and ADOPTED this 24<sup>th</sup> day of March 2020.**

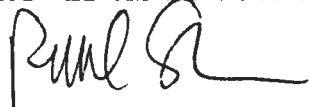
**CITY OF SOUTH GATE:**

By:   
M. Belen Bernal, Mayor

**ATTEST:**

By:   
Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By:   
Raul F. Salinas, City Attorney

## Exhibit "A"

### PROCLAMATION ISSUING EXECUTIVE ORDER NO. 03.18.2020 BY THE DIRECTOR OF EMERGENCY SERVICES TO RESTRICT EVICTION OF COMMERCIAL AND RESIDENTIAL TENANTS DUE TO THE SPREAD OF THE CORONAVIRUS DISEASE 2019

**WHEREAS**, international, national, state, and local health and governmental authorities are responding to an outbreak of 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, ("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, the Governor of the State of California declared a state of emergency 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 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, 2020, the Health Officer for the County of Los Angeles Department of Public Health issued a countywide order temporarily prohibiting group events and gatherings, and required the implementation of social distancing measures by at least six (6) feet; and

**WHEREAS**, on March 18, 2020, the City Manager of the City of South Gate, in his role as the Director of Emergency Services, proclaimed the existence of a local emergency within the City of South Gate ("City") pursuant to Chapter 7.14.060(a) of the South Gate Municipal Code to ensure authority to take measures necessary to protect and preserve public health and safety, including seeking aid from state and federal authorities as necessary; and

**WHEREAS**, the Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in South Gate have experienced or expect soon to experience sudden and unexpected income loss; and



**WHEREAS**, the Governor of the State of California 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 individuals directly affected by COVID-19 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**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, during this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, on March 18, 2020, the Federal Housing Finance Agency has directed Fannie Mae and Freddie Mac to suspend foreclosures and evictions for a limited time due to the coronavirus national emergency. Borrowers impacted by the coronavirus may apply to their lender for a mortgage payment to be suspended for up to 12 months due to hardship caused by the coronavirus; and

**WHEREAS**, several municipalities in relation to residential and commercial tenancies have imposed limitations on the ability of a landlord to evict a tenant in light of the municipality having declared a local emergency; and

**WHEREAS**, the City's residential rental units (including 1-4 single family units, apartments, condominiums and townhomes) are, in part, owned by individuals who rely on rental income for the repayment of loans on those very same units; and/or rely on said rental income as retirement income, and the non-payment of rent could create a financial hardship for the individual owner(s), that could lead to potential or threatened foreclosure of said unit; and

**WHEREAS**, the City desires to provide a limited, measured response to restrict evictions for a limited period, by balancing potentially competing financial hardships between tenants and landlords during the period of declared emergency; and

**WHEREAS**, commercial businesses within the City have been particularly affected by federal, state and county recommendations and directives to avoid mass gatherings, enforce social distancing measures, offer food only via delivery service, via pick-up for takeout dining, and via drive through; and

**WHEREAS**, the Health Officer for Los Angeles County, effective March 16, 2020, has ordered the immediate closure of several business establishments, including bars and nightclubs that do not serve food, movie theatres, live performance venues, and gyms and fitness centers;

**WHEREAS**, it is the intent of the City to provide a measured response to restrict evictions for a limited period, by balancing the potentially competing financial hardships between commercial property owners and the business tenants that rent from them; and

**WHEREAS**, the Los Angeles Superior Court has announced the closure of several civil courtrooms, thus contributing to the likely delay in the processing of eviction related cases; and

**WHEREAS**, loss of income because of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including public utility payments such as water and sewage charges and parking penalties; and

**WHEREAS**, ensuring that all people in the City continue to have access to running water during this public health crisis will enable compliance with public health directives that people regularly wash their hands will help to prevent the further spread of COVID-19; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority to issue this regulation related to the protection of life and property.

**NOW, THEREFORE**, I, Michael Flad, the Director of Emergency Services for the City of South Gate, do hereby issue the following Executive Order No. 03.18.2020 ("Order") to become effective immediately, subject to ratification as soon as practicable by the City Council:

**IT IS HEREBY ORDERED THAT:**

A temporary moratorium on eviction for non-payment of rent by residential or commercial tenants impacted by the COVID-19 crisis is imposed as follows:

**For purposes of this Order, from March 18, 2020 through and including April 30, 2020, no landlord shall endeavor to evict a residential or commercial 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 the rent temporarily for the reasons set forth above shall not serve a notice pursuant to California Code of Civil Procedure 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 on such

terms as may be set by a judge assigned to hear the unlawful detainer action. 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.

For purposes of this Order, "financial impacts related to COVID-19" include, but are not limited to, tenant lost household income because 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.

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, including but not limited to eviction notices served pursuant to Code of Civil Procedure sections 1161(1), 1161(5), or 1161c.

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.

Subject to judicial review on a case by case basis, this Order grants a defense if an unlawful detainer action is commenced in violation of this Order.

[Remainder of page left blank intentionally.]

This Order shall be superseded by further Order by the Director of Emergency Services adopted during the local emergency that expressly superseding this Order, or by superseding action taken by the City Council.

As a result of the local emergency, for a period of 60 days from the date of this Order, the City hereby suspends: (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills; (b) the imposition of late payment penalties or fees for delinquent water and or sewer bills; and (c) the imposition of late payment penalties or fees for parking violations.

If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

**THIS EXECUTIVE ORDER NO. 03.18.2020 IS HEREBY ISSUED** on this 18<sup>th</sup> day of March 2020, and is **EFFECTIVE IMMEDIATELY**.

Office of the  
South Gate City Clerk

MAR 18 2020

FILED

**CITY OF SOUTH GATE:**

By: 

Michael Flad, City Manager/  
Director of Emergency Services

**ATTEST:**

By: 

Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By: 

Raul F. Salinas, City Attorney

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and



**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of 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 as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.


Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

RECEIVED

APR 18 2020

Item No. 3

City of South Gate  
CITY COUNCIL

CITY OF SOUTH GATE  
OFFICE OF THE CITY MANAGER

5:20pm

AGENDA BILL

For the Special Meeting of: April 15, 2020  
Originating Department: Administrative Services

Department Director:

*Jackie Acosta*  
Jackie Acosta

City Manager:

*Michael Flad*  
Michael Flad

**SUBJECT:** RESOLUTION APPROVING AND ADOPTING THE STATE OF CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES' CAL OES 130 FORM, DESIGNATION OF APPLICANT'S AGENT RESOLUTION FOR NON-STATE AGENCIES, FOR THE PURPOSE OF OBTAINING POST-DISASTER CORONAVIRUS DISEASE 2019 (COVID-19) PUBLIC ASSISTANCE GRANTS FROM CAL OES AND FEMA

**PURPOSE:** To file the required paperwork with the California Governor's Office of Emergency Services (Cal OES) which will enable the City of South Gate to apply for post-disaster Public Assistance Grants from Cal OES and the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA). The deadline to file the required paperwork is April 17, 2020.

**RECOMMENDED ACTION:** Adopt Resolution approving and adopting the State of California Governor's Office of Emergency Services' Cal OES 130 Form, Designation of Applicant's Agent Resolution for Non-State Agencies, for the purpose of obtaining post-disaster Coronavirus Disease 2019 (COVID-19) Public Assistance Grants from Cal OES and FEMA.

**FISCAL IMPACT:** No fiscal impact at this time, but if the City does not file the required paperwork, it will not be able to apply for any post COVID-19 public assistance grants from Cal OES or FEMA.

**ANALYSIS:** When major or large-scale emergencies occur, federal and state funds can be made to available to local governments through the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency Services (Cal OES). In order to access those funds, cities need to file various forms and documents with those agencies. One of those forms, the Cal OES 130 form requires approval by the City Council. The proposed Resolution approves the Designation of Applicant's Agent Resolution for Non-State Agencies and designates the City Manager, Director of Administrative Services and Police Chief as the authorized agents to execute applications to obtain post-disaster COVID-19 public assistance grants from Cal OES and FEMA.

**BACKGROUND:** As a result of the world-wide Coronavirus 2019 pandemic, on March 18, 2020, the City's Director of Emergency Services (the City Manager) declared a local emergency in the City of South Gate. When major or large-scale emergencies occur, federal and state funds can be made to available to local governments through the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) and the California Governor's Office of Emergency

Services (Cal OES). Cal OES requires a Designation of Applicant's Agent Resolution for Non-State Agencies Form (Cal OES 130) to be on file for the purposes of obtaining certain federal financial assistance under Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1998, and/or state financial assistance under the California Disaster Assistance Act.

The Cal OES 130 form, entitled the Designation of Applicant's Agent Resolution for Non-State Agencies Form, designates the City employees that are authorized to apply for disaster assistance funds from the federal and state governments. For the City of South Gate, staff is requesting that the City Council approve Cal OES 130 form to designate the City Manager, Director of Administrative Services and the Police Chief as the Authorized Agents for purposes of applying for the California Governor's Office of Emergency Services (Cal OES) Public Assistance Grants and any available federal disaster assistance that may become available.

**ATTACHMENT:** Proposed Resolution approving Cal OES 130 Form

**RESOLUTION NO. \_\_\_\_\_**

**CITY OF SOUTH GATE  
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,  
CALIFORNIA, APPROVING AND ADOPTING THE STATE OF  
CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES' CAL  
OES 130 FORM, DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES, FOR THE PURPOSE OF OBTAINING  
POST-DISASTER CORONAVIRUS DISEASE 2019 (COVID-19) PUBLIC  
ASSISTANCE GRANTS FROM CAL OES AND FEMA**

**WHEREAS**, as a result of the world-wide Coronavirus Disease 2019 ("COVID-19") pandemic, the City's Director of Emergency Services (the City Manager) declared on March 18, 2020, a local emergency in the City of South Gate ("City") by issuing Executive Order No. 03.18.2020 ("Executive Order 3.18") effective immediately and continuing until otherwise amended, or ordered terminated by the City Council; and

**WHEREAS**, on March 24, 2020, the City Council adopted Resolution No. 2020-07-CC ratifying Executive Order 03.18; and

**WHEREAS**, in order to comply with federal requirements to enable the City to access post-disaster Public Assistance Grants from Cal OES and the U.S. Department of Homeland Security's Federal Emergency Management Agency ("FEMA"), the City must file various forms and documents; and

**WHEREAS**, the Cal OES 130 Form, entitled the Designation of Applicant's Agent Resolution for Non-State Agencies, designates City employees authorized to apply for disaster assistance funds from the federal and/or state agencies; and

**WHEREAS**, the City desires to authorize the City Manager, Director of Administrative Services and the Police Chief as the Authorized Agents for purposes of applying for the California Governor's Office of Emergency Services Public Assistance Grants and any available federal disaster assistance that may become available; and

**WHEREAS**, the City Council desires to approve and adopt the State of California Governor's Office of Emergency Services' Cal OES 130 Form, Designation of Applicant's Agent Resolution for Non-State Agencies, in the form presented and attached hereto as Exhibit "A."; and

**WHEREAS**, the deadline to file the required State of California Governor's Office of Emergency Services' Cal OES 130 Form, Designation of Applicant's Agent Resolution for Non-State Agencies is April 17, 2020.



**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The City Council hereby approves and adopts the State of California Governor's Office of Emergency Services' Cal OES 130 Form, Designation of Applicant's Agent Resolution for Non-State Agencies, including the authorization and identification of City Manager, Director of Administrative Services, and Police Chief as agents for all purposes relevant to said form, as attached hereto as Exhibit "A."

**SECTION 2.** The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED and ADOPTED this 15<sup>th</sup> day of April 2020.**

**CITY OF SOUTH GATE:**

By: \_\_\_\_\_  
Mayor

**ATTEST:**

By: \_\_\_\_\_  
Carmen Avalos, City Clerk  
(SEAL)

**APPROVED AS TO FORM:**

By: Raul F. Salinas / RFS  
Raul F. Salinas, City Attorney

**DESIGNATION OF APPLICANT'S AGENT RESOLUTION  
FOR NON-STATE AGENCIES**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH GATE  
(Governing Body) (Name of Applicant)

THAT CITY MANAGER OR  
(Title of Authorized Agent)

DIRECTOR OF ADMIN SERVICES OR  
(Title of Authorized Agent)

POLICE CHIEF  
(Title of Authorized Agent)

is hereby authorized to execute for and on behalf of the City of South Gate, a public entity  
(Name of Applicant)

established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the City of South Gate, a public entity established under the laws of the State of California,  
(Name of Applicant)

hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

**Please check the appropriate box below:**

- This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.
- This is a disaster specific resolution and is effective for only disaster number(s) \_\_\_\_\_

Passed and approved this 15th day of April, 2020

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

\_\_\_\_\_  
(Name and Title of Governing Body Representative)

**CERTIFICATION**

I, Carmen Avalos, duly appointed and City Clerk of  
(Name) (Title)

City of South Gate, do hereby certify that the above is a true and correct copy of a  
(Name of Applicant)

Resolution passed and approved by the City Council of the City of South Gate  
(Governing Body) (Name of Applicant)

on the 15th day of April, 2020.

\_\_\_\_\_  
(Signature) City Clerk  
(Title)