

**RESOLUTION NO. 7646**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, PROCLAIMING A LOCAL EMERGENCY DUE TO THE OUTBREAK OF COVID-19, ADOPTING REGULATIONS FOR PRIVATE AND PUBLIC FACILITIES AND GATHERINGS, ESTABLISHING PROTECTIONS FOR RESIDENTIAL AND COMMERCIAL TENANTS AND PROPERTY OWNERS, REQUESTING REIMBURSEMENT OF EXPENSES, AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTIONS AS THE DIRECTOR OF EMERGENCY SERVICES**

**WHEREAS**, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally;

**WHEREAS**, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19;

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19;

**WHEREAS**, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19;

**WHEREAS**, on March 12, 2020, Governor Gavin Newsom signed Executive Order N-25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events;

**WHEREAS**, on March 13, 2020, President Donald Trump declared a national emergency as a result of COVID-19;

**WHEREAS**, on March 15, 2020, Governor Gavin Newsom called for the closure of all bars, pubs, and wineries in the State and restrictions on restaurants;

**WHEREAS**, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20, suspending 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 when the basis for the eviction is nonpayment of rent or a foreclosure, arising out of a substantial decrease in household or business income or substantial out-of-pocket medical expenses, caused by the COVID-19 pandemic or by any local, state, or federal government response to COVID-19 and is documented;

**WHEREAS**, on March 16, 2020, the Los Angeles County Health Officer issued Health Officer Order for the Control of COVID-19, attached as Attachment A, which seeks to limit residents' exposure by ordering the closure of certain private facilities;

**WHEREAS**, based on the state declaration of emergency restrictions on price gouging under Penal Code section 396 have taken effect;

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

**WHEREAS**, the spread of COVID-19 and its consequences are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of South Pasadena;

**WHEREAS**, the mobilization of local resources, the ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully respond to COVID-19;

**WHEREAS**, these conditions warrant and necessitate that the City proclaim the existence of a local emergency.

**WHEREAS**, South Pasadena Municipal Code section 11.6 empowers the City Council to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity, and the City Manager, as Director of Emergency Services, to issue such proclamation if the City Council is not in session;

**WHEREAS**, Government Code section 8634 states, "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice";

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. Recitals.** The City Council finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the City Council as if fully set forth herein.

**SECTION 2. Proclamation.** Pursuant to Government Code section 8630, subdivision (a), the City Council proclaims a local emergency due to the outbreak of COVID-19.

**SECTION 3. Regulation of Public Gatherings.** Commencing immediately, the Director of Emergency Services is directed to postpone or cancel all non-essential public community

events or group activities in City-owned properties, including City Council, commission, or board meetings, that require close contact and involve ten or more participants.

**SECTION 4. Regulation of Public Facilities.** Commencing immediately, the Director of Emergency Services is directed to close to the public all City-owned facilities that require close contact of vulnerable individuals, including those over 60 years old or with compromised immune systems.

**SECTION 5. Regulation of Private Facilities.** The private facilities referenced in Attachment A will close immediately until further notice.

**SECTION 6. Enforcement.** Any violation of the above prohibitions may be punishable by a fine not to exceed \$1,000 or imprisonment not to exceed six months, pursuant to the South Pasadena Municipal Code section 11.11.

**SECTION 7. Exemption of Delivery Vehicles.** Trucks and other vehicles engaged in the delivery of grocery items to grocery stores, when such items are to be made available for sale to the public, are hereby exempt from having to comply with any City rules and regulations that limit the hours for such deliveries.

**SECTION 8. Guidance for Religious Gatherings.** The leaders of the City's houses of worship are urged, in the strongest possible terms, to limit gatherings on their premises and to explore and implement ways to practice their respective faiths while observing social distancing practices.

**SECTION 9. Protection of Affected Tenants.**

- a. It is hereby ordered that no landlord shall evict a residential or commercial tenant in the City of South Pasadena during this local emergency period if the tenant is able to show an inability to pay rent due to financial impacts related to COVID-19. Nothing in this section shall be construed to mean that the tenant will not still be obligated to pay lawfully charged rent. Tenants will have up to six months following the expiration of the local emergency period to repay any back due rent, verifiably caused by Covid-19 related circumstances. Tenants may use the protections afforded in this section as an affirmative defense in an unlawful detainer action. This section shall remain in effect during the pendency of the local emergency period. Any tenant who receives a notice of eviction may bring a civil action against the landlord to contest the validity of the notice pursuant to this section.
- b. This section 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 of this Resolution.
- c. "Financial impacts related to COVID-19" include, but are not limited to, tenant lost income as a result of any of the following:
  - i. Being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;

- ii. Lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
- iii. Compliance with a requirement from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
- iv. Extraordinary out-of-pocket medical expenses; or
- v. Child-care needs arising from school closures related to COVID-19.

**SECTION 10. Suspension of Utility Terminations and Parking Pass Program.**

- a. For a period of 60 days from the date of this Resolution, for customers who are able to show an inability to pay their water and sewer bill due to the “financial impacts related to COVID-19” as defined in Section 9 above, the City hereby suspends:
  - i. The discontinuation or shut-off of water service for residents and businesses in the City for non-payment of water and sewer bills;
  - ii. The imposition of late payment penalties or fees for delinquent water and/or sewer bills;
- b. For a period of 60 days from the date of this Resolution, the City hereby suspends:
  - ii. The issuance of overnight parking passes; and
  - iii. The imposition of late payment penalties or fees for parking violations.

**SECTION 11. Emergency Authority.** Pursuant to Government Code section 8634, the City Council authorizes the Director of Emergency Services to take any measures necessary to protect and preserve public health and safety, including activation of the Emergency Operations Center.

**SECTION 12. Public Health Officials.** The City Council authorizes the Director of Emergency Services to implement any guidance, recommendations, or requirements imposed by the State Department of Public Health or the Los Angeles County Health Officer.

**SECTION 13. Termination.** Pursuant to Government Code section 8630, subdivision (d), the City Council will proclaim the termination of the emergency at the earliest possible date that conditions warrant.

**SECTION 14. Review.** Pursuant to Government Code section 8630, subdivision (c), the City Council will review the need for continuing the local emergency no event later than 60 days from the previous declaration or review, until the City Council terminates the local emergency.

**SECTION 15. Extension of Expiring Entitlements.** All entitlements expiring within the period of this local emergency are automatically extended for a period of 30 days, with further extensions to be made at the discretion of the Director of Emergency Services.

**SECTION 16. Cost Accounting.** City staff will begin accounting for their time and expenses related to addressing the local emergency caused by COVID-19.

**SECTION 17. Cost Recovery.** The City will seek recovery for the cost of responding to COVID-19, as this proclamation is made within 10 days of the Governor's Executive Order N-25-20 and the President's declaration of a national emergency, qualifying the City for assistance under the California Disaster Assistance Act and for reimbursement from the Federal Emergency Management Agency.

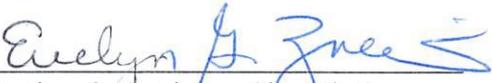
**SECTION 18. Submissions.** The City Clerk will transmit a copy of this Resolution at the earliest opportunity to the Los Angeles County Operational Area and the California Governor's Office of Emergency Services.

**SECTION 19. Certification.** The City Clerk will certify to the passage and adoption of this Resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

**PASSED, APPROVED AND ADOPTED** on this 18th day of March, 2020.

  
\_\_\_\_\_  
Robert S. Joe, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Teresa L. Highsmith, City Attorney

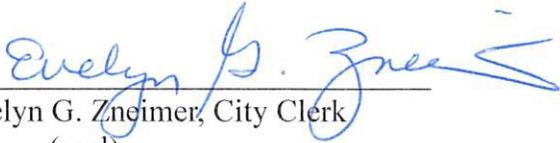
**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 18th day of March, 2020, by the following vote:

*Vote to adopt Resolution as originally presented, motion not including Sections 9 and 10:*

- AYES:** Cacciotti, Khubesrian, Schneider, Mahmud, Mayor Joe
- NOES:** None
- ABSENT:** None
- ABSTAINED:** None

*Vote to adopt Sections 9 and 10 as originally presented:*

- AYES:** Cacciotti, Khubesrian, Schneider, Mayor Joe
- NOES (1):** Mahmud
- ABSENT:** None
- ABSTAINED:** None

  
\_\_\_\_\_  
Evelyn G. Zneimer, City Clerk  
(seal)

## HEALTH OFFICER ORDER FOR THE CONTROL OF COVID-19

Temporary Prohibition of Group Events and Gatherings

Required Social Distancing Measures

Closure of Certain Businesses

Date Order Issued: March 16, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; Los Angeles County Code § 11.02.080.)**

**SUMMARY OF THE ORDER:** During a State of Emergency, California law empowers the County of Los Angeles Health Officer (Health Officer) to take measures necessary to protect the public from the spread of the Novel Coronavirus (COVID-19) within the County of Los Angeles. In accordance with the Centers for Disease Control's (CDC) Interim Guidance for Large Events and Mass Gatherings (March 15, 2020); the California Department of Public Health's Mass Gathering Guidance (March 11, 2020); Governor Newsom's Guidance Regarding Bars and Restaurants (March 15, 2020); and Mayor Eric Garcetti's Emergency Public Order – New City Measures to Address COVID-19 (March 15, 2020), the Health Officer is ordering significant protective measures to stem or slow the spread of COVID-19 within the greater Los Angeles community.

Because of the rapid spread of COVID-19 and the need to protect the most vulnerable members of our community, this Order prohibits all indoor public and private gatherings and all outdoor public and private events within a confined space, where at least 50 people are expected to be in attendance at the same time. This Order applies within the County of Los Angeles Public Health Jurisdiction, beginning March 16, 2020 and continues through March 31, 2020, subject to the terms and conditions more particularly set forth below.

For all gatherings that are not prohibited, the Health Officer orders the event and gathering holders and venues to implement the following infection control precautions: (1) enforce social distancing within the confined space by requiring attendees to be separated by six (6) feet; (2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol; (3) post a sign in a conspicuous place at the public entry to the venue instructing members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough; and (4) adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health.

Further, this Health Officer Order, in accordance Mayor Eric Garcetti's Emergency Public Order – New City Measures to Address COVID-19, requires all permanent food facilities to limit their services to only preparing and offering food to customers via delivery service, via pick up for take-out dining only, or via drive thru.

This Order immediately requires closing the following types of businesses:

- (1) Bars and Nightclubs that do not serve food.
- (2) Gyms and Fitness Centers.
- (3) Movie Theaters, Live Performance Theaters, Bowling Alleys, and Arcades.

The County Health Officer will continue to monitor COVID-19 disease spread, State and CDC recommendations, and the impact of the required measures, and as needed, may revisit, extend, expand, or otherwise modify this Order to protect the public's health.

**UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE COUNTY OF LOS ANGELES HEALTH OFFICER ORDERS:**

1. Effective March 16, 2020 and continuing through March 31, 2020, all public and private group events and mass gatherings, as defined below, of 50 or more people are prohibited anywhere within the Los Angeles County Public Health Jurisdiction.
2. For public and private events and gatherings attended by between 10-49 members of the public, held in a confined or enclosed space, and not prohibited by this Order, the organizer of the event and the owner, manager, or operator of the venue holding the event or gathering shall:
  - a. Enforce social distancing measures by requiring attendees who remain at the event for over 10 minutes to be separated by at least six (6) feet from other attendees during the entirety of the event or gathering. Persons who attend the event or gathering as a group, e.g., a group of family members or household contacts, may sit or remain together, but groups of attendees must be separated by a distance of at least six (6) feet.
  - b. Provide access to hand washing facilities with soap and water or with hand sanitizer that contains at least 60 percent alcohol.
  - c. Post a sign in a conspicuous place at all public entries to the venue that instructs members of the public to not attend if they are experiencing symptoms of respiratory illness, including fever or cough.
  - d. Adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site. See guidance posted at [www.publichealth.lacounty.gov/media/Coronavirus/](http://www.publichealth.lacounty.gov/media/Coronavirus/).
3. Effective immediately, and in accordance with Governor Newsom's Guidance and Mayor Garcetti's New City Measures to Address COVID-19, all permanent food facilities, as defined by Health and Safety Code § 113849, may only prepare and offer food that is provided to customers via delivery service, via pick-up for takeout dining, and via drive-thru. Bars and night clubs that offer food to consumers may remain open only for purposes of continuing to prepare and offer food to consumers via delivery service, via pick-up, or drive-thru. Permanent food facilities that provide and offer food to consumers for pick up must require patrons or groups of patrons who are ordering food and beverages to be and remain at least six (6) feet apart from each other while inside the facility.
4. Further, the Health Officer orders the immediate closure of the following types of businesses:
  - a. Bars and Nightclubs that do not serve food.
  - b. Movie theaters, live performance venues, bowling alleys, and arcades.
  - c. Gyms and fitness centers.
  - d. Wineries, Breweries, and Tap Rooms that provide tastings.
5. This Order does not supersede any stricter limitation imposed by a local public entity within the Los Angeles County Public Health Jurisdiction.

**REASONS FOR THE ORDER**

6. This Order is based upon scientific evidence and best practices, as currently known and available, to protect members of the public from avoidable risk of serious illness and death resulting from the spread of COVID-19, as well as to protect the healthcare system from a surge of cases into its emergency rooms and hospitals. The Order supports the California Department of Public Health and the CDC's efforts to institute necessary social distancing measures to reduce community transmission of COVID-19.

7. Existing community transmission of COVID-19 in Los Angeles County presents a substantial and significant risk of harm to the health of residents. Currently, there is no vaccine available to protect against and no specific treatment for COVID-19. As of March 16, 2020, there have been at least 94 cases of COVID-19 and 1 death reported in Los Angeles County.
8. The virus that causes COVID-19 can be spread easily through person-to-person contact. This risk of transmission is increased when people are in close proximity. All group events and gatherings pose an increased risk for transmission of COVID-19 and thus, are a substantial risk to public health. Circumstances associated with Group Events and Mass Gatherings, smaller events and gatherings, and the public's presence in businesses where it is usual for patrons to have extended close contact, that are likely to exacerbate the spread of COVID-19 include, without limitation: (a) the increased likelihood that these events, gatherings, and businesses will attract people from a geographic area with known COVID-19 community transmission, (b) the prolonged time period during which large numbers of people are in close proximity, (c) the difficulty in tracing and controlling additional exposures when large numbers of people attend a single event, and (d) the inability to ensure both that attendees are not infected with COVID-19 and will follow adequate hygienic and social distancing practices.
9. In the absence of a specific immunization or treatment for COVID-19, social distancing is the only and most readily available tool to prevent this disease. Increasing social distancing and limiting gatherings are proven ways to slow transmission of communicable diseases. Accordingly, to reduce the community transmission of COVID-19, the Health Officer has ordered the temporary prohibition of all Group Events and Mass Gatherings, as defined in Sections 10, 11 and 12, and is also requiring the closure of certain businesses where it is usual practice for patrons to remain in close proximity.

#### DEFINITIONS

10. For purposes of this Order, Group Events and Mass Gatherings are any gathering, assembly, event, or convening that brings together or is likely to bring together 50 or more persons at the same time in an indoor or outdoor confined or enclosed space, for any purpose including a business, cultural, religious, athletic, entertainment, social, or other special event. These types of Group Events and Mass Gatherings are likely to result in situations where people will be within six (6) feet of each other for an extended period of time (greater than 10 minutes).
11. Group Events and Mass Gatherings include, without limitation: (a) any convention, arena, or meeting space with fixed seating or other set-up where seating is placed adjacent to each other in rows; (b) any space where event attendees stand in close proximity to each other, such as a concert or other performance that includes "standing room only" sections; (c) an admission or concession line/queue; and (d) a confined or closed outdoor space: (i) that is enclosed by a fence, physical barrier, or other structure and (ii) where people are within six (6) feet of one another for more than ten (10) minutes. Specific examples include, but are not limited to, conventions, conferences, training activities, concerts, and athletic events.
12. This Order is intended to deter the spread of COVID-19 by preventing people from being in unnecessary close contact. Certain activities are essential to the functioning of the County and the well-being of our residents and must continue. Accordingly, the requirements in this Order do not apply to the following sites or situations where residents must obtain or participate in essential governmental, educational, or other essential services (those that meet basic human needs): (a) attendance at regular school classes, work, or essential governmental services; (b) places where people are in transit or waiting for transit including airports or bus or train stations or terminals; (c) grocery stores and retail stores; (d) congregate living situations, including dormitories; or (e) hospitals and healthcare facilities.

- a. This Order does not prohibit use of enclosed spaces where 50 or more people may be present at different times during the day, as long as 50 or more people are not present in the space at the same time.
- b. This Order does not apply to specific permanent food facilities:
  - i. Cafeterias, commissaries, and retail food facilities located within hospitals, nursing homes, governmental buildings that provide essential services to the public, or within other licensed health care facilities.
  - ii. Grocery stores and pharmacies.
  - iii. Charitable or governmental organization providing meals to the indigent population.
  - iv. Concessionaires or food services within any airport within the Los Angeles County Public Health jurisdiction.

**ADDITIONAL TERMS**

13. This Order does not, in any way, restrict: (a) first responder access to the site(s) named in this Order during an emergency or (b) local, state or federal officers, investigators, or medical or law enforcement personnel from carrying out their lawful duties at the site(s) named in this Order.
14. The entities subject to this Order that are not required to close may otherwise remain open for business and perform essential functions and operations during the duration of this Order.
15. The County shall promptly provide copies of this Order by: (a) posting it on the Los Angeles Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)), (b) posting it at the Kenneth Hahn Hall of Administration located at 500 West Temple Street, Los Angeles, CA 90012, (c) providing it to any member of the public requesting a copy, (d) issuing a press release to publicize the Order throughout the county, and (e) by serving via email on large facilities known to the County's Health Officer that are likely to be subject to this Order (but service via email is not required for compliance).
  - a. The owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public requesting a copy.
  - b. Because guidance may change, the owner, manager, or operator of any facility that is subject to this Order is ordered to consult the Los Angeles County Department of Public Health's website ([www.publichealth.lacounty.gov](http://www.publichealth.lacounty.gov)) daily to identify any modifications to the Order and is required to comply with any updates until the Order is terminated.
16. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, 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.
17. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom and the March 4, 2020 declarations of a local and public health emergency issued by the Los Angeles County Board of Supervisors and Los Angeles County Health Officer, respectively, and as they may be supplemented.

18. To protect the public's health, the Health Officer may take additional action(s) for failure to comply with this Order. Violation of this Order is a misdemeanor punishable by imprisonment, fine or both under California Health and Section Code Section 120295 *et seq.* Further, pursuant to Sections 26602 and 41601 of the California Government Code and Section 101029 of the California Health and Safety Code, the Health Officer requests that the Sheriff and the Chiefs of Police in all cities located in the Los Angeles County Public Health Jurisdiction ensure compliance with and enforcement of this Order.

**IT IS SO ORDERED:**

Date: \_\_\_\_\_

\_\_\_\_\_  
Muntu Davis, MD, MPH

Health Officer, County of Los Angeles