RESOLUTION NO. _____ (2020 SERIES)


WHEREAS, section 2.24.060 of the Municipal Code empowers the Emergency Services Director to request that the City Council proclaim a local emergency when the City of San Luis Obispo is affected or likely to be affected by a public calamity and the City Council proclaimed a local emergency at its regular meeting on March 17, 2020 regarding the COVID-19 pandemic; and

WHEREAS, the Secretary of Health and Human Services Director issued a Determination that a Public Health Emergency Exists and has existed of January 27, 2020; and

WHEREAS, the President of the United States has declared a State of National Emergency; the Governor of the State of California has proclaimed a State of Emergency for the State of California and issued Executive Orders and direction regarding measures to mitigate the spread of cases of COVID-19 within the State of California; the San Luis Obispo County Emergency Services Director has proclaimed a local emergency; and the San Luis Obispo County Public Health Director has declared a public health emergency related the spread of cases of COVID-19 within the State of California and all recitals set forth therein, are included as though fully set forth herein; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued an executive order, Executive Order N-28-20, which suspends any state law that would preempt or otherwise restrict a local government’s exercise of its police powers to impose substantive restrictions on residential or commercial evictions based on 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 any local, state, or federal government response to COVID-19 that is documented;

WHEREAS, on March 18, 2020: the City of San Luis Obispo Emergency Services Director issued Proclamation No. 2 related to the closure of alcohol establishments and limitations on dine-in service for restaurants and other food and beverage establishments; and the San Luis Obispo County Emergency Services Director issued Local Emergency Order and Regulation Nos. 3 and 4 providing for suspension of commencement of evictions related to COVID-19 and mandatory shelter at home regulations, respectively; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19;
WHEREAS, the City of San Luis Obispo will be required to help enforce all restrictions imposed by the State of California and by the County of San Luis Obispo acting as the health agency and, to the extent there are conflicts in the State and County home shelter orders, the City intends to adhere to the most restrictive standard, unless otherwise directed by the County Emergency Services Director or Public Health Officer; and

WHEREAS, in accordance with the Governor’s Executive Order N-28-20 and San Luis Obispo County’s Local Emergency Order and Regulation No. 3 COVID-19, there is an urgent need to issue limitations on the authority of landlords to commence evictions of tenants within the jurisdiction of the City in order to protect the health, safety and welfare citizens within the jurisdiction of the City in light of the proclaimed State and local emergency and the declared local public health emergency regarding the COVID-19 pandemic;

WHEREAS, the pandemic COVID-19 continues to spread rapidly worldwide and in the U.S., continuing to present an immediate and significant risk to public health and safety, and resulting in serious illness or death to vulnerable populations, including the elderly and those with underlying health conditions; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of San Luis Obispo, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

WHEREAS, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Luis Obispo that:

SECTION 1. All recitals set forth above, and all recitals included in support of Federal, State and County actions referenced herein, are adopted as though fully set forth herein as findings in support of this Resolution; and

SECTION 2. A local emergency continues to exist throughout the City, and the City has been undertaking, and will continue through cessation of this emergency to undertake, necessary measures and incur necessary costs, which are directly related to the prevention of the spread of the COVID-19 Virus and are taken in furtherance of: the Secretary of Health and Human Services Secretary’s determination that a public health emergency has existed since January 27, 2020; City Council’s Proclamation of Local Emergency on March 17, 2020; the Governor’s Proclamation of a State of Emergency on March 4, 2020; the President of the United States’ Declaration of a National Emergency on March 13, 2020; the County Emergency Services Director’s Proclamation of Local Emergency and the County Public Health Director’s Declaration of a Public Health Emergency on March 13, 2020, and related orders and directions.
SECTION 3. During the existence of said local emergency, the powers, functions, and duties of the Emergency Services Director and the Emergency Organization of this City shall be those prescribed by state law, ordinances, and resolutions of this City and by the City of San Luis Obispo Emergency Operations Plan, notwithstanding otherwise applicable procedures, timelines or methods of action and the Emergency Services Director is expressly authorized to take any and all actions in furtherance of emergency powers to address the local emergency.

SECTION 4. The City Council hereby affirms the City of San Luis Obispo Emergency Services Director’s Proclamation No. 2, issued March 18, 2020 (Attached hereto as Ex. A), related to the closure of alcohol establishments and limitations on dine-in service for restaurants and other food and beverage establishments, but declares that Proclamation No. 2 shall be superseded to the extent it is subsumed by or is in conflict with the Governor’s Executive Order N-33-20 or the County of San Luis Obispo Local Emergency Order and Regulation No. 4 COVID 19, establishing mandatory shelter and home regulations, as currently enacted or as subsequently amended by the County Emergency Services Director or Board of Supervisors; provided, however, that in the event of termination of any County Order, City ESD Proclamation No. 2 shall remain in full force and effect within the City of San Luis Obispo until expressly terminated by the City of San Luis Obispo Emergency Services Director or the City Council.

SECTION 5. San Luis Obispo County Emergency Services Director Orders 3 and 4, establishing regulations for the suspension of commencement of evictions and mandatory shelter at home regulations, respectively, as currently in effect or as subsequently amended by the County Emergency Services Director or County Board of Supervisors, are hereby expressly acknowledged and declared to be enforceable within the City of San Luis Obispo as if directly enacted by the City Council pursuant to San Luis Obispo Municipal Code Chapter 2.24 and shall be enforceable under Municipal Code 2.24.100.

SECTION 6. The proclamation of local emergency shall be deemed to continue to exist until it is terminated by the City Council of the City of San Luis Obispo pursuant to a resolution adopted by the City Council of the City San Luis Obispo.

SECTION 7. The Emergency Services Director and Finance Director or their designees are hereby directed and authorized to pursue recovery from all available State and Federal agencies for reimbursement for COVID-19 related City costs and expenses from and after the Determination That a Public Health Emergency Exists since January 27, 2020.

SECTION 8. A copy of this Resolution shall be posted on all outside public access doors of City Hall of the City of San Luis Obispo and in one public place within any area of the City within which this Resolution applies and personnel of the City of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Upon motion of _______________________, seconded by _______________________, and on the following roll call vote:

AYES:
NOES:

R _____
ABSENT:

The foregoing Resolution was approved this _____ day of _____________________ 2020.

____________________________________
Heidi Harmon, Mayor

ATTEST:

____________________________________
Teresa Purrington
City Clerk

APPROVED AS TO FORM:

____________________________________
J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City
of San Luis Obispo, California, this _____ day of ______________, 2020.

____________________________________
Teresa Purrington
City Clerk

R _____