

RESOLUTION NO. 2020-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, RATIFYING AND EXTENDING THE PUBLIC ORDER (NOW REFERRED TO AS PUBLIC ORDER NO. 2020-1) CLOSING ALL MOVIE THEATERS, LIVE PERFORMANCE VENUES, BOWLING ALLEYS, ARCADES, GYMS AND FITNESS CENTERS, BARS AND NIGHTCLUBS THAT DO NOT SERVE FOOD AND PROHIBITING ALL RESTAURANTS FROM SERVING FOOD FOR CONSUMPTION ON PREMISES

WHEREAS, California Government Code section 8630 and Torrance Municipal Code section 16.2.5 empowers the City Council to proclaim the existence of a local emergency to protect and preserve the public welfare when the City is affected or likely to be affected by a public calamity; and

WHEREAS, Government Code section 8634 empowers the City Council and delegated officials to promulgate orders and regulations necessary to provide for protection of life or property during a local emergency; and

WHEREAS, the City Council has specifically delegated this authority to the City Manager as Director of Emergency Services in Chapter 6 of Division 1 of the Torrance Municipal Code. Further, the City Council confirmed this delegation of authority by Resolution on March 16, 2020; and

WHEREAS, the City Council finds that Coronavirus Disease 2019 (COVID-19), a new communicable disease, was first detected in Wuhan City, Hubei Province, China in December 2019. COVID-19 has since spread globally to over 70 countries, infecting more than 127,000 people and killing more than 4,700 people. Symptoms of the virus include fever, cough, and shortness of breath. Infected individuals have experienced a range of outcomes from mild sickness to severe illness and death; and

WHEREAS, the City Council finds that according to the Centers for Disease Control, there is currently no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and

WHEREAS, the City Council finds that on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services, Alex M. Azar II, declared a Public Health Emergency to aid the nation in responding to COVID-19. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, there are confirmed COVID-19 cases in the County of Los Angeles, the County of Orange, and the County of Riverside; and

WHEREAS, to combat the spread of COVID-19, the counties of Orange, Los Angeles, Santa Clara, San Diego, Sonoma, and the City and County of San Francisco have each declared local health emergencies and proclaimed local emergencies. Additionally, the cities of Pasadena, Los Angeles, and Long Beach have each declared local health emergencies and proclaimed local emergencies; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 regarding COVID-19; and

WHEREAS, the facts stated above raise the potential for widespread community transmission of COVID-19 occurring among the general public in the United States and the need for the City of Torrance and the public to work cooperatively and proactively to slow the spread of COVID-19 and address any challenges that may arise due to any outbreak of this disease in the City of Torrance; and

WHEREAS, these conditions, if fully manifested, are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City of Torrance; and

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 responding to COVID-19 and therefore, these conditions warrant and necessitate that the City of Torrance proclaim the existence of a local emergency; and

WHEREAS, on March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency in the City of Torrance; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to COVID-19; and

WHEREAS, on March 16, 2020, the City Manager issued the Public Order (now referred to as Public Order No. 2020-1) by City Manager Under City of Torrance's Emergency Authority closing all movie theaters, live performance venues, bowling alleys, arcades, gyms and fitness centers, bars and nightclubs that do not serve food and prohibiting all restaurants from serving food for consumption on premises in response to COVID-19; and

WHEREAS, on March 16, 2020, the City Council ratified Public Order No. 1; and

WHEREAS, this order is issued in accordance with, and incorporates by reference the Health Officer of the Los Angeles County Department of Public Health's Order of March 19, 2020;

WHEREAS, this order is issued in accordance with, and incorporates by reference the Governor's Executive Order No. N-33-20 of March 19, 2020; and

WHEREAS, the City Council desires to ratify and extend the Public Order No. 2020-1 by City Manager Under City of Torrance's Emergency Authority to implement necessary intervention activities to prevent a threatened epidemic of disease in the community.

NOW, THEREFORE, the City Council of the City of Torrance resolves as follows:

Section 1.

Public Order No. 2020-1 attached as Exhibit "A" and incorporated into this Resolution is ratified.

Section 2.

Public Order No. 2020-1 applies Citywide and is extended through May 31, 2020.

INTRODUCED, APPROVED, and ADOPTED this 24th day of March, 2020.




Mayor Patrick J. Furey

APPROVED AS TO FORM:

ATTEST:



Patrick Q. Sullivan, City Attorney



Rebecca Poirier, MMC, City Clerk


TORRANCE CITY COUNCIL RESOLUTION NO. 2020-14

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF TORRANCE)

I, Rebecca Poirier, City Clerk of the City of Torrance, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Torrance at a regular meeting of said Council held on the 24th day of March, 2020 by the following roll call vote:

AYES: COUNCILMEMBERS Chen, Goodrich, Griffiths, Herring, Mattucci, Rizzo, and Mayor Furey.
NOES: COUNCILMEMBERS None.
ABSTAIN: COUNCILMEMBERS None.
ABSENT: COUNCILMEMBERS None.

Date: 3/24/2020



Rebecca Poirier, MMC
City Clerk of the City of Torrance

Public Order by City Manager Under City of Torrance's Emergency Authority

Issue Date: March 16, 2020

Subject: New City Measures to Address COVID-19

On March 12, 2020, I declared a local emergency in relation to the arrival of the COVID-19 virus in our community, and on March 15, 2020, I ordered a number of measures to be taken across the City to protect members of the public and City workers from an undue risk of contracting the COVID-19 virus. Our precautions over the past weeks and what we do over the next few days and weeks will determine how well we weather this emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic. The Centers for Disease Control and Prevention advises us that COVID-19 spreads easily from person to person and has issued guidelines recommending that the public adopt policies and routines to enable social distancing wherever possible.

Here in the City of Torrance, we must redouble our efforts to maintain hand hygiene, respiratory etiquette, and social distancing. It is absolutely critical that we as a City do everything we can to slow the pace of community spread and avoid unnecessary strain on our medical system. To aid in our efforts, under the emergency authorities vested in my office under the laws of the City of Torrance, today I am ordering that a series of temporary restrictions be placed on certain establishments throughout our City in which large numbers of people tend to gather and remain in close proximity.

By virtue of authority vested in me as City Manager of the City of Torrance pursuant to the provisions of California Government Code Section 8630, the City Charter, Torrance Municipal Code Section 16.2.5 and the laws of the State of California to promulgate, issue, and enforce rules, regulations, orders, and directives, I hereby declare the following orders to be necessary for the protection of life and property and I hereby order, effective at 11:59 p.m. tonight, until March 31, 2020 at 12:00 p.m., that:

1. All movie theaters, live performance venues, bowling alleys and arcades shall be closed to the public.
2. All gyms and fitness centers shall be closed to the public.
3. All bars and nightclubs in the City of Torrance that do not serve food shall be closed to the public.

4. All restaurants retail food and beverage and brewing facilities in the City of Torrance shall be prohibited from serving food for consumption on premises. These facilities shall continue to operate for purposes of preparing and offering their products to customers via delivery service, to be picked up or via drive-thru. For those establishments offering pick-up options, proprietors are directed to comply with CDC guidelines for social distancing practices for those patrons in the queue for pick-up. The Centers for Disease Control and Prevention indicates that achieving space of approximately six feet is advisable.
5. Any bars or nightclubs in the City of Torrance that serve food may remain open only for purposes of continuing to prepare and offer food to customers via delivery service or to be picked up. Dine-in food service is prohibited.
6. Food pick up, mobile food vendors, and drive thru service shall comply with the following provisions:
 - A. Setup allowed in parking areas adjacent or near to the establishment and limited to an area that allows pedestrian and vehicle ques with appropriate pedestrian safety and vehicle circulation enhancements (e.g. barriers, cones, directional signage). Accessibility and access to handicap parking spaces shall be maintained at all times.
 - B. No serving food for consumption on premises allowed.
 - C. Tents or canopies utilized for pick-up/drive thru service shall be limited to 10 feet by 10 feet in maximum size shall not require a safety inspection. Tents or canopies shall be anchored or fixed to the ground for safety purposes.
 - D. Routinely clean and disinfect all frequently touched surfaces, such as tables, doorknobs, bannisters, and countertops. Use cleaning agents that are typically used in these areas and follow the directions on the label.
 - E. Provide no-touch disposal receptacles for use by employees.
 - F. Ensure that employees and customers have access to fully stocked handwashing stations, and where needed, alcohol-based hand sanitizer that contains at least 60-95% alcohol. Employees should wash hands for at least 20 seconds, especially after
 - a. blowing one's nose, coughing or sneezing;
 - b. using the restroom;
 - c. before eating or preparing food; and
 - d. after contact with frequently touched surfaces.
 - G. For those establishments offering pick-up options, proprietors are directed to establish social distancing practices and create areas for pickup that are separated from the main dining or area of congregation. As part of social distancing practices, employees should provide for 6 feet of separation and avoid shaking hands or any other contact with others.

- H. Hours of operation are limited to 7:00 am to 10:00 pm daily.
7. The following are exempt from this Order:
 - A. Cafeterias, commissaries, and restaurants located within hospitals, nursing homes, or similar facilities
 - B. Grocery stores
 - C. Pharmacies
 8. 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.
 9. As a result of the local emergency, for a period of 90 days from the date of this Order, the City hereby suspends: (a) discontinuation or shut offs of utilities (including but not limited to water, sewer, trash, gas, electricity) for residents and businesses in the City for non-payment of bills; (b) the imposition of late payment penalties or fees for delinquent utilities; and (c) the imposition of late payment penalties or fees for parking violations.
 10. A temporary moratorium on eviction for non-payment of rent or mortgage payments by residential and commercial tenants/occupants impacted by the COVID-19 crisis is imposed as follows:
 - a. During the period of local emergency declared in response to COVID-19, no landlord or noteholder shall endeavor to evict a tenant/occupant in either of the following situations:
 - (1) for nonpayment of rent or mortgage if the tenant or occupant demonstrates that the tenant or occupant is unable to pay rent or mortgage 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, neighboring businesses or the landlord or noteholder.
 - b. A landlord or noteholder who knows that a tenant or occupant cannot pay some or all of the rent or mortgage temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment.
 - c. A landlord or noteholder knows of a tenant's/occupant's inability to pay rent/mortgage within the meaning of this Order if the tenant/occupant, within 30 days after the date that rent/mortgage is

due, notifies the landlord or noteholder 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.

- d. For purposes of this Order, “in writing” includes email or text communications to a landlord or noteholder or the landlord or noteholder’s representative with whom the tenant has previously corresponded by email or text.
- e. Any medical or financial information provided to the landlord or noteholder shall be held in confidence, and only used for evaluating the tenant’s claim.
- f. Nothing in this Order shall relieve the tenant/occupant of liability for the unpaid rent or mortgage, which the landlord or noteholder may seek after expiration of the local emergency and the tenant must pay within six months of the expiration of the local emergency.
- g. A landlord or noteholder may not charge or collect a late fee for rent or mortgage that is delayed for the reasons stated in this Order; nor may a landlord or noteholder seek rent that is delayed or the reasons stated in this Order through the eviction process.
- h. For purposes of this Order, “financial impacts related to COVID-19” include, but are not limited to, tenant lost household/business income as a result of any of the following:
 - (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19;
 - (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19;
 - (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency;
 - (4) extraordinary out-of-pocket medical expenses; or
 - (5) child care needs arising from school closures related to COVID-19.

- (6) loss of business income from reduced customer traffic for reasons related to COVID-19 and emergency response requirements;
- (7) inability to conduct business due to supply chain issues, or emergency response regulations; and
- (8) loss of a businesses' work force due to COVID-19 impacts;

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

This Order grants a defense in the event that an unlawful detainer action is commenced in violation of this Order.

This Order shall become effective immediately.

Any violation of the above prohibitions shall constitute a misdemeanor, which provides for fines not to exceed \$1,000 or imprisonment not to exceed six months, and may be referred to the Office of the City Attorney for prosecution. Each individual officer should use their discretion in enforcing this order and always keep the intent of the order in mind.

In addition, I hereby issue guidance to the leaders of the City's houses of worship and urge them, 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.

This Order shall apply Citywide until rescinded by the City Manager or the City Council.

Date:

16 March 2020



LeRoy J. Jackson
City Manager