RESOLUTION NO. A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF CHICO, CALIFORNIA, DECLARING 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 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 6, 2020, Butte County Health Officer, Dr. Andy Miller, declared a
local public health emergency as a result of COVID-19, citing an imminent and proximate threat
of COVID-19 in the County pursuant to Health and Safety Code section 101080;

WHEREAS, on March 6, 2020, the Butte County Assistant Chief Administration Officer,
Brian Ring, proclaimed a local emergency as a result of COVID-19 pursuant to Butte County Code
section 8-5(i);

WHEREAS, on March 10, 2020, the Butte County Board of Supervisors ratified the
proclamation of a local emergency in the County of Butte as a result of COVID-19;

WHEREAS, on March 11, 2020, the City Manager of the City of Chico implemented
department level emergency operations to monitor and respond to developments in the effects 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 18, 2020, Governor Gavin Newsom signed Executive Order N-29-20 amending requirements under Executive Order N-25-20 regarding minimal access requirements for in person access and attendance at public meetings and requirements under the Brown Act;

WHEREAS, on March 19, 2020, Governor Gavin Newsom signed Executive Order N-33-20 requiring that all persons statewide stay at their home or place of residence except as needed to maintain continuity of operations of the critical infrastructure sectors;

WHEREAS, on March 21, 2020, Governor Gavin Newsom signed Executive Order N-35-20 amending requirements under Executive Order N-29-20 regarding minimal access requirements for in person access and attendance at public meetings and requirements under the Brown Act;

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 Chico and will require, or is likely to require, the assistance and resources of other public or private local, regional or state agencies to combat, a local emergency;

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 declare the existence of a local emergency.

WHEREAS, Government Code section 8630 empowers the governing board of a city to proclaim a local emergency;

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”;
WHEREAS, based on the state declaration of emergency restrictions on price gouging under Penal Code section 396 have taken effect but are limited in scope and only as to residential tenancies; and

WHEREAS, the effect of the COVID-19 and/or the state declaration of emergency restrictions requiring all residents to stay at home or place of residence has placed or will place a severe economic hardship on the ability of persons within the City of Chico to pay rent or mortgage due to decreases in household or business income, layoffs, reduction of income from reduction of compensable hours worked, reduction of operating hours, and/or out-of-pocket medical expenses, causing many Chico residents and businesses to be in threat of eviction of judicial foreclosure;

WHEREAS, the City of Chico desires to exercise its police powers to address the emergency situation caused by and the effects of the COVID-19 emergency;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CHICO, 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 of Local Emergency. Pursuant to Government Code section 8630, subdivision (a), the City Council proclaims that a local emergency exists within the City of Chico 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. The City Council shall convene for regularly scheduled meetings of the City Council on the first Tuesday of each Month, and at special meetings as otherwise lawfully called.

SECTION 4. Regulation of Public Facilities. Commencing immediately, the Director of Emergency Services is directed to close all City-owned facilitates that require close contact of vulnerable individuals, including those over 60 years old or with compromised immune systems. Such direction does not pertain to utilization of City-owned facilities, places, or structures as places of shelter or services to address the impacts of COVID-19.

SECTION 5. Regulation of Private Facilities. Pursuant to Executive Order No. N-33-20, all persons are to stay at their place of residence except persons as necessary to maintain continuity of operations at essential facilities and sectors referenced in Executive Order No. N-33-20, and as further clarified by Governor Newsom, until further notice. This provision does not apply to gatherings within a single household or living unit.

SECTION 6. Enforcement. Any violation of the above prohibition may be punishable by a fine not to exceed $1,000 or imprisonment not to exceed six months, pursuant to the Chico
Municipal Code section 2.68.090 or Government Code section 8665. Violation of any Executive Order related to COVID-19 may be punishable pursuant to Government Code section 8665 or by a fine not to exceed $1,000 or imprisonment not to exceed six months, pursuant to the Chico Municipal Code section 2.68.090. For individuals experiencing homelessness and residing in public areas within the City of Chico, absent a facility or other location able to provide shelter for such individual, the term “place of residence” shall be interpreted to mean the location where such individual regularly sleep prior to the declaration of emergency. Such interpretation shall not be read as an exemption from social distancing or other generally applicable public health requirements in effect due to the COVID-19 emergency. Persons are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize social distancing requirements in their operation).

SECTION 7. Exemption of Delivery Vehicles. Pursuant to Executive Order No. N-35-20, City ordinances, including conditions of approval for any development or project, which inhibits the delivery of food products, pharmaceuticals, and other emergency necessities distributed through grocery stores and other retail or institutional channels, including but not limited to hospitals, jails, restaurants and schools are suspended through the duration of this emergency. Delivery and distribution of food done in compliance with CDC guidelines shall be allowed.

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.


a. It is hereby ordered that no landlord shall evict a residential or commercial tenant in the City of Chico during this local emergency period if the tenant is able to demonstrate an inability to pay rent due to financial impacts related to COVID-19. To take advantage of the protections afforded under this Section 9, a tenant must do all the following:
   i. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment; and
   ii. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment.

b. 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 financial impacts related to COVID-19. Such protections afforded in this section are not enforceable by the City against a landlord but may utilized by applicable tenants afforded protections in this section as an affirmative defense in an unlawful detainer action or other applicable legal proceeding. This section shall remain in effect through May 31, 2020, or as otherwise extended by further Executive Order extending the expiration date in paragraph 2 of Executive Order
N-28-20, through the 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 and paragraph 2 of Executive Order N-28-20, as such may be amended.

c. 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 where the basis of such action is a non-payment of rent arising out of the financial impacts related to COVID-19.

d. “Financial impacts related to COVID-19” is:
   (i) 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 cause 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 substantial out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19, and is documented.

Examples of such COVID-19 related documented impacts include:
   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 recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency related to with COVID-19;
   iv. Extraordinary out-of-pocket medical expenses related to COVID-19; or

SECTION 10. Utility Service Termination and Parking Provisions. For a period of 60 days from the date of this Resolution, the City hereby suspends:
   a. The imposition of late payment penalties or fees for delinquent payment of sewer service bills (underlying charge is not forgiven);
   b. The collection of fees for parking meter service within the Downtown Chico Parking Plan area (time limits within such parking areas remain in effect); and
   c. The imposition of late payment penalties for parking violations (underlying violation fine for violation of parking regulation remains in effect).

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 Butte 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 paragraph 8 of the Proclamation of State of Emergency dated March 4, 2020, the requirement under Government Code section 8630, subdivision (c), regarding City Council review of the need for continuing the local emergency within 60 days from the previous declaration or review waived, and this declaration shall remain in effect 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 Butte County Office of Emergency Management 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 25th day of March, 2020.

ATTEST:

Debbie Presson, City Clerk

APPROVED AS TO FORM:

Andrew L. Jared, City Attorney

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Chico, California, at a regular meeting held on the 25th day of March, 2020, by the following vote:

AYES: Schwab, Brown, Huber, Morgan, Stone

NOES: None

ABSENT: Ory, Reynolds

ABSTAINED: None