

CITY OF BELL GARDENS
Ordinance Summary

NOTICE IS HEREBY GIVEN that the City Council of the City of Bell Gardens has adopted Urgency Ordinance No. 905-U on April 27, 2020 during a Regular Council Meeting:

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON (1) THE CONVERSION/UTILIZATION OF HOTELS, MOTELS, OR OTHER RESIDENTIAL AND COMMERCIAL PROPERTIES, FOR HIRE OR RENT, LOCATED IN THE CITY OF BELL GARDENS FOR PURPOSES OF CREATING COVID-19 QUARANTINE/ ISOLATION, AND OTHER RELATED EFFORTS, WITHOUT PRIOR CITY APPROVAL, (2) DRIVE THROUGH COVID-19 RELATED TESTING LOCATIONS WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE MATTERS AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

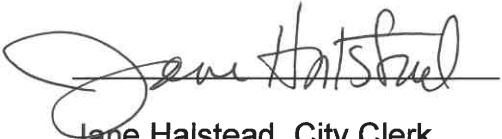
SUMMARY OF ORDINANCE: the City adopted Urgency Ordinance No. 905-U to promote safety among the community during times of a public health crisis. It has come to the City's attention that the COVID-19 pandemic has resulted in the conversion/utilization of a hotel in the City of Bell Gardens ("The City") issued by the County of Los Angeles Department of Public Health to facilitate COVID-19 patients without prior City approval. This has led to concerns from city staff and local residents. The City took immediate action and adopted this Urgency Ordinance to protect the public peace, health, safety, and public welfare of the residents and all stakeholders of the City of Bell Gardens by ensuring oversight to regulate and prohibit COVID-19 quarantine/isolation facilities, testing sites, and drive-through locations and other related efforts, within the City without prior City approval. This Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

Urgency Ordinance No. 905-U is effective immediately on April 27, 2020, and shall terminate on May 31, 2020, unless further extended by action of the City Council through the adoption of an Urgency Ordinance extending this ordinance.

The City Council passed the ordinance for publication with the following vote:

AYES: Council Members: Aceituno, Barcena; Mayor Pro Tem Flores and Mayor Cortez
NOES: None
ABSTAIN: None
ABSENT: None

GENERAL INFORMATION: A copy of the full text of the Ordinance is available at the office of the City Clerk at 7100 Garfield Avenue, Bell Gardens, CA 90201 or you can contact the office at 562-806-7705.

A handwritten signature in black ink, appearing to read "Jane Halstead", written over a horizontal line.

Jane Halstead, City Clerk
City of Bell Gardens

Posted: April 28, 2020
Bell Gardens City Hall
Bell Gardens John Anson Ford Park
Bell Gardens Veterans Park – Ross Hall Auditorium
Bell Gardens Department of Public Works

URGENCY ORDINANCE NO. 905-U

AN UNCODIFIED URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA ENACTING A TEMPORARY MORATORIUM ON (1) THE CONVERSION/ UTILIZATION OF HOTELS, MOTELS, OR OTHER RESIDENTIAL AND COMMERCIAL PROPERTIES, FOR HIRE OR RENT, LOCATED IN THE CITY OF BELL GARDENS FOR PURPOSES OF CREATING COVID-19 QUARANTINE/ ISOLATION, AND OTHER RELATED EFFORTS, WITHOUT PRIOR CITY APPROVAL, (2) DRIVE THROUGH COVID-19 RELATED TESTING LOCATIONS WITHOUT PRIOR CITY APPROVAL, AND (3) RESTATING AND REAFFIRMING THE IMPORTANCE OF LOCAL CONTROL OVER LAND USE MATTERS AND RELATED ACTIVITIES DURING THE CURRENT STATE OF EMERGENCY RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

WHEREAS, in late December 2019, several cases of unusual pneumonia began to emerge in the Hubei province of China. On January 7, 2020, a novel corona virus now known as COVID-19 was identified as the likely source of the illness; and

WHEREAS, on January 30, 2020, the World Health Organization (“WHO”) declared COVID-19 a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

WHEREAS, on March 4, 2020, California Governor Gavin Newsom 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 a broader spread of COVID-19; and

WHEREAS, on March 11, 2020, WHO publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 16, 2020, Governor Newsom issued Executive Order N-28-20 which suspends “[a]ny 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 ... including, but not limited to, any such provision of Civil Code Sections 1940 et seq.” to the extent such provisions would otherwise restrict such exercise; and

WHEREAS, on March 16, 2020, the County of Los Angeles Department of Public

Health ordered the closure of all gyms, bars, and ordered all restaurants to close their sit-in areas and offer take-out or delivery services only; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 to affirm the directives of the March 19, 2020 Memorandum on identification of Essential Critical Infrastructure Workers During COVID-19 Response; and

WHEREAS, on March 19, 2020, the County of Los Angeles Department of Public Health issued a Mandatory Safer at Home Order, ordering the closure of all non-essential businesses until April 19, 2020, then issued a Revised Order on March 21, 2020 to align with the Governor of California's March 19th order; and

WHEREAS, on March 27, 2020, Governor Newsom issued Executive Order N-37-20 ("Executive Order N-37-20") which prevents evictions for a period of sixty (60) days of "a tenant from a residence or dwelling unit for nonpayment of rent" who satisfies requirements set forth in said order; and

WHEREAS, on March 20, 2020, the City of Bell Gardens declared its own State of Emergency by adopting Resolution No. 2020-22, which adopted by reference the orders and mandates of the County of Los Angeles' "Safer at Home Order for the Control of COVID-19" and the Governor's Executive Order N-33-20; and

WHEREAS, as of April 23, 2020, the State of California identified 16,435 cases of COVID-19 in Los Angeles County and seven hundred twenty-nine (729) deaths; and

WHEREAS, due to the global COVID-19 pandemic that has resulted in stay-at-home orders, social distancing protocols, and temporary business closures, counties throughout California, with the push from the State, have been contracting with hotels and motels to establish temporary COVID-19 quarantine facilities while simultaneously establishing temporary homeless shelters within these facilities to protect susceptible members of the population; and

WHEREAS, these facilities, although well-intended, have not been properly vetted by the City's leaders and have left many unanswered questions. As such, cities are taking it upon themselves to protect their residents and business owners by adopting temporary moratoria that ensure proper measures are put into place before such facilities can be approved; and

WHEREAS, City staff became aware at the end of March that Los Angeles County had contracted with a local hotel to establish a quarantine facility and had a conference call townhall meeting after-the-fact on April 14, 2020, which resulted in additional concerns from the local residents; and

WHEREAS, the City Council desires to temporarily prohibit and impose a moratorium upon owners and/or operators of hotels, motels, or other residential and commercial properties for hire or rent, located in the City of Bell Gardens, from converting

or utilizing their business or property for COVID-19 quarantine/isolation facility purposes, and other related efforts, without prior City approval; and

WHEREAS, thus far, staff is aware that several cities have expressed disapproval to County officials, and others have established moratoria prohibiting such actions without first obtaining City approval; and.

WHEREAS, it is not the City's intent to prevent quarantine/isolation facilities that will help alleviate the COVID-19 pandemic and other related efforts, but rather, to ensure that such facilities are properly vetted and also take care of the City's immediate population rather than bringing additional residents to an already densely populated area; and

WHEREAS, it is the City's opinion that such facilities should concentrate on prioritizing the City's residents when providing housing; and

WHEREAS, Government Code Sections 36934 and 36937(b) authorize the City to adopt an Urgency Ordinance for the immediate preservation of the public peace, health and safety, provided that such Urgency Ordinance is passed by a four-fifths votes of the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL GARDENS, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title. This Urgency Ordinance shall be known as the "Temporary Moratorium on the Conversion/Utilization of Property in Bell Gardens for Purposes of COVID-19 Quarantine/Isolation, and Other Related Efforts, Without City Approvals."

SECTION 3. Urgency Findings. The purpose of this Urgency Ordinance is to protect the public peace, health, safety, and public welfare of the residents and all stakeholders of the City of Bell Gardens by ensuring oversight to regulate and prohibit COVID-19 quarantine/isolation facilities, testing sites, and drive-through locations and other related efforts, within the City without prior City approval; the City Council has reconsidered the conditions giving rise to the "local emergency" declaration made by the City Council on March 20, 2020, and has determined that the conditions giving rise to the local emergency continue to exist, and in fact have become more dire since the original declaration was made; and this Urgency Ordinance is created pursuant to the City's general police powers to protect the health, safety, and welfare of its residents and exists in addition to any rights and obligations under state and federal law.

SECTION 4. Application. This Urgency Ordinance is specifically intended for hotels and motels, which are most likely to be approached by the County or other agencies for various homeless housing efforts and initiatives, including but not limited to,

COVID-19 related housing. The foregoing notwithstanding, this Urgency Ordinance shall be applicable to all properties in the City of Bell Gardens that the County or any other organizations may propose to use for similar type efforts and initiatives.

SECTION 5. Moratorium. This Urgency Ordinance shall terminate on May 31, 2020, unless further extended by action of the City Council through the adoption of an Urgency Ordinance extending this ordinance. The City Council further recognizes and confirms its authority and control as found in California Government Code Section 8634 which states: “During a local emergency the governing body of a political subdivision...may promulgate orders and regulations necessary to provide for the protection of life and property....” (Emphasis added). During the pendency of this Urgency Ordinance, the owners and/or operators of hotels, motels or other residential and commercial properties for or rent, shall first apply to the City in writing for any proposed use of City motels, hotels or other property for the sheltering of homeless individuals or any of the activities described in Section 4, above. Within fifteen (15) calendar days from the approval of this Urgency Ordinance, the City Manager shall prepare and present for City Council consideration and approval policies and forms for the consideration of such requests by owners and/or operators of hotels, motels or other residential and commercial properties for or rent, which policies and forms may be approved and ratified by the City Council. Such requests shall be submitted and shall satisfy the baseline requirements of Section 9.20.103 (Emergency Shelters) of the Bell Gardens Municipal Code and such other criteria as may be adopted by the City Council by way of the policies described above. The City shall be under no obligation to consider or process requests until such time as the policies referenced above are approved.

SECTION 6. Environmental. This Urgency Ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines, as it is not a “project” and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (Cal. Code Regs., tit.14, § 15378, subd. (a).) Further, this Urgency Ordinance is exempt from CEQA as there is no possibility that it or its implementation would have a significant negative effect on the environment. (Cal. Code Regs., tit.14, § 15061, subd. (b)(3).)

SECTION 7. Inconsistent Provisions. Any provision of the Bell Gardens Municipal Code or appendices thereto inconsistent with the provisions of this Urgency Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Urgency Ordinance.

SECTION 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared

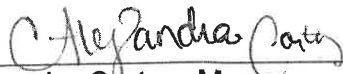
invalid or unconstitutional.

SECTION 9. Construction. The City Council intends this Urgency Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Urgency Ordinance shall be construed in light of that intent. To the extent the provisions of the Bell Gardens Municipal Code as amended by this Urgency Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Urgency Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 10. Publication and Effective Date. This Urgency Ordinance is enacted pursuant to the authority conferred upon the City Council by Government Code Sections 36934 and 36937 and shall be in full force and effect upon its adoption by a four-fifths (4/5) vote of the City Council. The City Clerk shall cause this Urgency Ordinance to be published or posted once within fifteen (15) days after its adoption.


PASSED, APPROVED, and ADOPTED this 27th day of April, 2020.

THE CITY OF BELL GARDENS




Alejandra Cortez, Mayor

APPROVED AS TO FORM:



on behalf of
Rick Olivarez
City Attorney

ATTEST:



Jane Halstead
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF BELL GARDENS) SS:

I, Jane Halstead, City Clerk of the City of Bell Gardens, hereby certify that the foregoing Urgency Ordinance No.905-U was passed and adopted by the City Council of the City of Bell Gardens, signed by the Mayor and attested by the City Clerk at a Regular meeting of said Council held on the 27th day of April, 2020 and that said Urgency Ordinance was adopted by the following votes, to-wit:

AYES: Council Members Aceituno, Barcena; Mayor Pro Tem Flores; Mayor Cortez

NOES:

ABSTAIN:

ABSENT:



Jane Halstead, City Clerk,
City of Bell Gardens