In response to Governor’s Executive Order N-25-20, this meeting will be streamed live but physically closed to the public to follow state guidelines on gatherings.

1. You are strongly encouraged to observe the live stream of the City Council meetings at http://www.stocktongov.com/government/oMeetings/councilMeetings.html

2. If you wish to make a comment from home on a specific agenda item, please submit your comment via email by 3:00 p.m. prior to the Council meeting. Please submit your comment to the City Clerk at City.Clerk@stocktonca.gov. Your comment will be shared with the City Council and placed into the record at the Council meeting.

1. SPECIAL EMERGENCY SESSION CALL TO ORDER/ROLL CALL

2. PUBLIC COMMENTS*

   *Members of the public may only comment regarding items on this agenda.

3. NEW BUSINESS

3.1 20-6392 RESOLUTION RATIFYING LOCAL EMERGENCY PROCLAMATION DUE TO THE COVID-19
**March 17, 2020**

City Council/Successor Agency to the Redevelopment Agency/Public Financing Authority/Parking Authority Concurrent

**Recommended Action:** RECOMMENDATION

It is recommended that the Stockton City Council:
1) Adopt a Resolution ratifying the Proclamation released by the Chairperson of the Disaster Council declaring a local emergency; 2) authorizing the City Manager to execute contracts as needed to run operations and temporarily suspending the City Managers spending limit; 3) incorporating recommendations from the San Joaquin County Department of Public Health, California Department of Public Health and Executive Orders Published by Governor Gavin Newsom as released in real time; 4) disallowing local vendors to increase costs of essential grocery and hygiene items during this period of local emergency; 5) and giving direction to the City Manager and City Attorney to implement said actions.

**Department:** City Clerk  
**Attachments:** Proposed Resolution - COVID-19 Emergency Declaration

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**3.2 20-6395**

AN URGENCY ORDINANCE OF THE CITY OF STOCKTON

ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF CERTAIN VULNERABLE RESIDENTS AND DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

**Recommended Action:** RECOMMENDATION

It is recommended that the City Council:
(a) Adopt an urgency ordinance that establishes a moratorium on eviction of certain vulnerable residents and for non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:
1. Temporarily prohibit the eviction of a vulnerable residential tenant or for non-payment of rent, if that non-paying tenant meets the criteria listed in the ordinance regarding COVID-19; and
2. Provide that the moratorium will commence upon the Council's adoption of the urgency ordinance making findings regarding COVID-19 and that such moratorium would expire in two (2) months unless extended.
(b) Adopt an ordinance that establishes a moratorium on eviction of certain vulnerable residents and for non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:
1. Temporarily prohibit the eviction of a vulnerable residential tenant or for non-payment of rent, if that non-paying tenant meets the criteria listed in the ordinance regarding COVID-19; and
2. Provide that the moratorium will commence thirty days following Council's adoption of the ordinance and that such moratorium would expire in two (2) months unless extended.

**Department:** City Clerk
3.3 20-6396

A RESOLUTION OF THE CITY OF STOCKTON ENACTING
A TEMPORARY RESTRICTION ON THE OPERATION OF MOVIE
THEATERS AND ENTERTAINMENT VENUES; BOWLING ALLEYS
AND ARCADES; AND GYMS AND FITNESS CENTERS; AS WELL
AS LIMITING RESTAURANTS; DELIS; AND OTHER FOOD VENUES
TO DELIVERY, TAKEOUT OR DRIVE-THRU

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution enacting a
temporary restriction on the operation of movie theaters and entertainment
venues; bowling alleys and arcades; and gyms and fitness centers; as well
as limiting restaurants, delis, and other food venues to delivery, takeout, or
drive-thru, through March 31, 2020.

Department: City Clerk

Attachments: Proposed Resolution - Venues and Food Providers

This item was added on 2020-03-17 by the Office of the Mayor

3.4 20-6397

A RESOLUTION OF THE CITY OF STOCKTON REDIRECTING
$1,235,000 FROM COUNCIL PRIORITIES TO AN EMERGENCY
CORONAVIRUS RESPONSE FUND

Recommended Action: RECOMMENDATION

It is recommended that the City Council adopt a resolution directing
$1,235,000 from Council Priorities to an Emergency Coronavirus Response Fund.

Department: City Clerk

Attachments: Proposed Resolution - COVID-19 Response Fund

This item was added on 2020-03-17 by the Office of the Mayor

4. ADJOURNMENT
CERTIFICATE OF POSTING

I declare, under penalty of perjury, that I am employed by the City of Stockton and that I caused this agenda to be posted in the City Hall notice case on March 17, 2020, in compliance with the Brown Act.

Eliza R. Garza, CMC
City Clerk

Geoffrey Aspiras
Deputy

Members of the public may only comment regarding items on this agenda.

All proceedings before this meeting body are conducted in English. The City of Stockton does not furnish language interpreters and, if one is needed, it shall be the responsibility of the person needing one.

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Stockton to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459, at least 5 days in advance of the hearing/meeting. Advance notification within this guideline will enable the City/Agency to make reasonable arrangements to ensure accessibility.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the Office of the City Clerk located at 425 North El Dorado Street, Stockton, California 95202 during normal business hours or by calling (209) 937-8459. The Agenda is available on the City of Stockton Website: www.stocktongov.com.

CHALLENGING CITY DECISIONS: The time limit within which to commence any lawsuit or legal challenge to any quasi-judic和平的, decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-judic和平的 decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Stockton, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.
RESOLUTION RATIFYING LOCAL EMERGENCY PROCLAMATION DUE TO THE COVID-19

RECOMMENDATION

It is recommended that the Stockton City Council 1) Adopt a Resolution ratifying the Proclamation released by the Chairperson of the Disaster Council declaring a local emergency; 2) authorizing the City Manager to execute contracts as needed to run operations and temporarily suspending the City Managers spending limit; 3) incorporating recommendations from the San Joaquin County Department of Public Health, California Department of Public Health and Executive Orders Published by Governor Gavin Newsom as released in real time; 4) disallowing local vendors to increase costs of essential grocery and hygiene items during this period of local emergency; 5) and giving direction to the City Manager and City Attorney to implement said actions.

Summary

The City has an emergency organization function that is activated in the event of emergency to coordinate functions of the City with all other public agencies, organizations and those people affected by the disaster. Title 2, Chapter 2.82 of the Stockton Municipal Code empowers the Chairperson of the Disaster Council to proclaim the existence of a local emergency when the City is affected by a public calamity and the City Council is not in session. The Director’s declaration is subject to City Council ratification within seven days.

An emergency exists when conditions are beyond the control of the services, personnel, equipment, and facilities of this City. The declaration is an acknowledgement of the need for the combined forces of other political subdivisions.

DISCUSSION

Background

At this time of local emergency, the future of public meetings is unpredictable. In efforts to ensure that there is no lapse in services, the City is seeking authorization by council to suspend the restrictions relating to the City Manager’s spending limit in the Municipal Code section 3.68.040 which caps at $75,000 and to be authorized to execute contracts with the understanding that these expenditures and agreements will be reported to Council as soon as administratively possible for ratification.

Additionally, in this state of emergency, the City Manager is requesting authorization to incorporate recommendations and protocols that are suggested by the San Joaquin County Public Health Department, the California Department of Public Health, recommendations prescribed by the Offices of Governor Newsom, President Trump, Unites States Surgeon General, Centers for Disease Control
and Prevention (CDC), National Institutes of Health (NIH), and World Health Organization (WHO) and work towards incorporating those recommendations as allowable by local resources in real time.

The City is also exploring options to cite local merchants for participating in practices that increase the costs of essential grocery and basic hygiene materials during throughout the duration of our city’s local emergency status.

The City Manager is seeking the authority take actions as necessary in response to COVID-19.

Present Situation

A severe acute respiratory illness caused by a novel (new) coronavirus, known as COVID-19, has spread globally and rapidly, resulting in severe illness and death around the world. The World Health Organization has described COVID-19 as a global pandemic.

On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in response to the increased spread of COVID-19. The President of the United States has declared a federal emergency as a result of the spread of the COVID-19. In response, the City of Stockton initiated its Disaster Council as prescribed in Stockton Municipal Code Section 2.82.

On March 6, 2020 the City activated its Emergency Operations Center at level 3, which is the lowest level. This was an action taken to monitor the COVID-19 situation and inform the Disaster Council on progress.

On March 12, 2020, California Governor Gavin Newsom ordered cancellation of gatherings over 250 statewide and further called for canceling or postponing even smaller gatherings where those attending cannot keep six feet apart from each other, and limiting groups of older or unhealthier people more vulnerable to the disease to no more than 10.

On March 16, 2020, The San Joaquin County Department of Public Health Services released a statement confirming the total of residents to test positive for COVID-19 had increased to nine (9).

Effective Monday, March 16, 2020, Stockton City Hall closed to the public and assistance is only being provided by telephone and electronic means. The City has cancelled or postponed all non-essential City-hosted and sponsored programs and events until March 30, 2020 to help prevent further spread of COVID-19 and protect its vulnerable populations, such as seniors and people with compromised immune systems, from infection.

Due to the increase of reported cases associated with COVID-19, there is an imminent and proximate threat of increased introduction of COVID-19 in the City that threatens the safety and health of City residents and warrants a declaration of local emergency.

On March 12, 2020, at 11:00 a.m. the City Manager issued a Proclamation of a Local Emergency in response to COVID-19.

Before the City Council today is a resolution ratifying the proclamation of local emergency. If adopted, the City Council will review, and as needed renew, this action at least every 30 days. The declaration will enable City staff to take actions to respond to the conditions created by COVID-19 and will assist
residents and the City in obtaining aid and other assistance.

FINANCIAL SUMMARY

[Financial impacts, funding, account numbers]
RESOLUTION OF THE STOCKTON CITY COUNCIL CONFIRMING THE EXISTANCE OF A LOCAL EMERGENCY DUE TO COVID-19

WHEREAS, the California Emergency Services Act, Government Code sections 8550, et seq., authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, Stockton Municipal Code section 2.82.060 empowers the City Manager, acting as the Director of Emergency Services, to proclaim the existence or threatened existence of a local emergency when the City is exposed to an actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City and the City Council is not in session; and

WHEREAS, on March 12, 2020, the City of Stockton Director of Emergency Services proclaimed the existence of a local emergency.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

1) The Proclamation of Existence of a Local Emergency issued by the Director of Emergency Services is hereby ratified.

2) The monetary limit on City Manager contracting authority set out in Stockton Municipal Code section 3.68.040 is suspended in order to allow the City Manager the flexibility to effectively and efficiently continue and enhance City operations during the pendency of this local emergency.

3) The City Manager is authorized to follow recommendations from state, federal and local authorities, such as the San Joaquin County Department of Public Health, California Department of Public Health, the Offices of Governor Newsom, President Trump, Unites States Surgeon General, Centers for Disease Control and Prevention (CDC), National Institutes of Health (NIH), and World Health Organization (WHO) in real time and to enact and implement such temporary regulations as are necessary to provide for the efficacious implementation of those recommendations.

4) The City Council directs the City Manager to provide support, as needed, for the enforcement by city and county officials of the price gouging restrictions provided in Penal Code section 396; and

The City Manager is authorized to take such other actions as are appropriate to carry out the intent of this Resolution.
PASSED, APPROVED and ADOPTED ______________________.

________________________________
MICHAEL TUBBS
Mayor of the City of Stockton

ATTEST:

________________________________
ELIZA R. GARZA, CMC
City Clerk of the City of Stockton
AN URGENCY ORDINANCE OF THE CITY OF STOCKTON ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF CERTAIN VULNERABLE RESIDENTS AND DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19)

RECOMMENDATION

It is recommended that the City Council:

(a) Adopt an urgency ordinance that establishes a moratorium on eviction of certain vulnerable residents and for non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:

1. Temporarily prohibit the eviction of a vulnerable residential tenant or for non-payment of rent, if that non-paying tenant meets the criteria listed in the ordinance regarding COVID-19; and

2. Provide that the moratorium will commence upon the Council’s adoption of the urgency ordinance making findings regarding COVID-19 and that such moratorium would expire in two (2) months unless extended.

(b) Adopt an ordinance that establishes a moratorium on eviction of certain vulnerable residents and for non-payment of rent evictions for tenants with incomes affected by the novel coronavirus (COVID-19). Specifically, the ordinance would:

1. Temporarily prohibit the eviction of a vulnerable residential tenant or for non-payment of rent, if that non-paying tenant meets the criteria listed in the ordinance regarding COVID-19; and

2. Provide that the moratorium will commence thirty days following Council’s adoption of the ordinance and that such moratorium would expire in two (2) months unless extended.

Summary

As of March 13, 2020, the County reported nine (9) cases of persons testing positive for the novel coronavirus COVID-19.

Based upon evidence of increasing transmission of COVID-19 within the County and Statewide, scientific evidence regarding the most effective approaches to slow the transmission of
communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19, measures have been taken to limit gatherings.

This has resulted in the cancellation of events, more localized efforts to stay at home by residents, and therefore less people working. Altogether, these closures and reduced economic activity will affect the ability of our residents to pay for many expenditures, including rent. This is especially pronounced in Stockton, where residential tenants constitute 52% of our residents.

As such, the proposed ordinance safeguards the majority of Stockton residents from being displaced and/or from falling into homelessness as a result of the economic impacts of COVID-19. Housing provides and supports public health goals generally, but also facilitates specific, necessary social distancing to address the COVID-19 spread.

Present Situation

Approval of this urgency ordinance requires a vote of two-thirds (2/3) of the members of the City Council.
ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY OF STOCKTON ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF CERTAIN VULNERABLE RESIDENTS AND DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM THE NOVEL CORONAVIRUS (COVID-19)

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

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

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. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death; and

On March 12, 2020, the County of San Joaquin ("County") declared a public health emergency and the County has confirmed that there are now nine (9) confirmed cases of COVID-19 within the County; and

On March 12, 2020, due to an escalating increase in the number of cases in San Joaquin County, under Stockton Municipal Code section 2.82.060, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency, which determines the legal, operational, and recovery resources available for the City to respond to the COVID-19 public health emergency; and

On March 13, 2020, the County issued guidance for mass gatherings, which encourages the postponement or cancellation of gatherings of 250 people or more and recommends that all non-essential smaller gatherings be cancelled or postponed. These recommendations may be interpreted to also recommend that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

On March 16, 2020, the Counties of Alameda, Contra Costa, San Francisco, Marin, San Mateo, and Santa Clara ("Bay Area Counties") have issued orders for their residents to “shelter at home” for the three weeks following March 17, 2020, which will limit social and business activities to only those that are essential; and

The "shelter at home" orders of the Bay Area Counties will have a significant impact
on the many City of Stockton residents that work in those counties who will be forced to reduce their working hours and therefore will suffer economic hardships; and

Both large and small events across the County and the Bay Area Counties are being cancelled or postponed due to the orders and recommendations at all levels of government to cancel public gatherings amid concerns over spread of the virus. These cancellations and postponements cause loss in revenue for the event, as well as surrounding local businesses who rely on such events to bring in patrons to their businesses; and

Due to the cancellation of conferences and other large-attendance events, there has been a significant loss of business opportunities that will impact City of Stockton residents that work locally and in the Bay Area Counties; and

The effects of COVID-19 on the global economy and supply chains are impacting many companies that employ Stockton residents; and

Some companies are having their employees work remotely or from home in order to prevent exposure in the workplace. With more businesses moving toward working from home, less of the workforce will be patronizing restaurants and other retail establishments that employ hourly workers, which is expected to lead to hourly cutbacks and potentially termination; and

Displacement through eviction destabilizes the living situation of tenants and impacts the health of Stockton residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens’ welfare and the stability of communities within the City; and

Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

During the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

The Ordinances are temporary and not a general ordinance to be codified pursuant to Section 509 of the City Charter; and

Pursuant to Section 508 of the City Charter, the Urgency Ordinance must be declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency and adopted by a 2/3 vote of the members of the City Council; and

The Ordinances are a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic.
outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION 1. Title
This Ordinance shall be known as the “COVID-19 Eviction Moratorium Ordinance.”

SECTION 2. Policy and Purposes Declaration
The purposes of this Ordinance are to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Ordinance is necessary for the immediate preservation of the public peace, health, or safety because the COVID-19 pandemic has the potential for destabilizing the residential rental market for all the reasons described herein. It is intended to enable tenants in the City whose employment and income have been affected by the COVID-19 pandemic to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to anxiety, stress, and potential homelessness for the affected City residents and their communities thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this 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 3. Termination Date
This Ordinance shall remain in effect for a period of two (2) months after its effective date and thereafter is repealed unless extended by Ordinance.

SECTION 4. Definitions
“Affected Tenant” shall mean a Tenant or Tenant Household, Mobilehome Resident, or Mobilehome Owner, whose is over the age of 65, has a compromised immune system, heart disease, diabetes, or other serious and chronic medical condition that affects the respiratory system, or has, as a result of COVID-19 pandemic, or declaration of the County Public Health Officer, or other local, State or Federal Authority, suffered a substantial loss in income through their employment as a result of any of the following: 1) job loss; 2) a reduction of compensated hours of work; 3) employer’s business closure; 4) missing work due to a minor child’s school closure; or 5) other similarly-caused reason resulting in a loss of income due to COVID-19 and who is unable to pay rent as a result thereof and has provided their Landlord with documentation or other objectively verifiable proof of the same.

“Landlord” means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit, Mobilehome or Mobilehome lot, and the
agent, representative, or successor of any of the foregoing.

“Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.

"Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.

“Mobilehome Owner” means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.

“Mobilehome Resident” means a person who rents a mobilehome from a Mobilehome Owner.

“Rental Unit” means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household, and which household pays rent for the use and occupancy for periods in excess of seven days whether or not the residential use is a conforming use permitted under the Stockton Municipal Code.

“Tenant” means a residential tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of a Rental Unit.

“Tenant Household” means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Scope

This Ordinance applies to Affected Tenants and Landlords of Affected Tenants.

SECTION 6. Moratorium on Certain Terminations of Tenancies

During the term of this Ordinance, a Landlord may not terminate the tenancy of an Affected Tenant unless the Landlord can demonstrate that the termination is for a cause other than the non-payment of rent.

SECTION 7. Affirmative Defense to Eviction; Penalties and Remedies

A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Ordinance. Non-compliance with any applicable component of this Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure section 1161, as amended. Nothing herein is intended to reduce or otherwise alter any person’s obligation
to pay rent as per the applicable rental agreement.

To assert this defense, an Affected Tenant shall have provided their Landlord with written documentation or other objectively verifiable information establishing that the Affected Tenant has, as a result of the novel coronavirus (COVID-19) pandemic or declaration of County Public Health Officer, or other State or Federal Authority, suffered substantial loss of income caused by any of the following: 1) job loss; 2) a reduction of compensated hours of work; 3) work closure; 4) missing work due to a minor child’s school closure; or 5) other similarly-caused reason resulting in a loss of income due to COVID-19. The following documents shall create a rebuttable presumption that the Affected Tenant has met the documentation requirement set forth above, however, they are not the exclusive form of documentation demonstrating impacts to income due to COVID-19:

1. Letter from employer citing COVID-19 as a reason for reduced work hours or termination;
2. Employer paycheck stubs;
3. Notification from a school declaring a school closure related to COVID-19;
4. California Drivers License or other documentation of date of birth (if over 65);
5. A letter or other document provided by a physician that documents an applicable medical condition.

B. Civil Remedies.

Any Landlord that fail(s) to comply with this Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.

Whoever is found to have violated this Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs, and reasonable attorneys’ fees.

Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Ordinance.
Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord's property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

SECTION 8. URGENCY FINDINGS AND EFFECTIVE DATE

The City Council of the City of Stockton hereby finds that there is a current and immediate threat to the public health, safety and/or welfare and a need for immediate preservation of the public peace, health, or safety that warrants this urgency measure, which finding is based upon the facts stated in the recitals above, and in the staff report that accompanies this matter, as well any oral and written testimony at the March 17, 2020 City Council meeting.

This ordinance shall take effect immediately after its passage.

ADOPTED: _________________________

EFFECTIVE: _________________________

MICHAEL D. TUBBS  
Mayor of the City of Stockton

ATTEST:

ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton
ORDINANCE NO.

AN ORDINANCE OF THE CITY OF STOCKTON ENACTING A TEMPORARY MORATORIUM ON EVICTIONS OF CERTAIN VULNERABLE RESIDENTS AND DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM THE NOVEL CORONAVIRUS (COVID-19)

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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

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. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death; and

On March 12, 2020, the County of San Joaquin (“County”) declared a public health emergency and the County has confirmed that there are now nine (9) confirmed cases of COVID-19 within the County; and

On March 12, 2020, due to an escalating increase in the number of cases in San Joaquin County, under Stockton Municipal Code section 2.82.060, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency, which determines the legal, operational, and recovery resources available for the City to respond to the COVID-19 public health emergency; and

On March 13, 2020, the County issued guidance for mass gatherings, which encourages the postponement or cancellation of gatherings of 250 people or more and recommends that all non-essential smaller gatherings be cancelled or postponed. These recommendations may be interpreted to also recommend that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

On March 16, 2020, the Counties of Alameda, Contra Costa, San Francisco, Marin, San Mateo, and Santa Clara (“Bay Area Counties”) have issued orders for their residents to “shelter at home” for the three weeks following March 17, 2020, which will limit social and business activities to only those that are essential; and

The “shelter at home” orders of the Bay Area Counties will have a significant impact
on the many City of Stockton residents that work in those counties who will be forced to reduce their working hours and therefore will suffer economic hardships; and

Both large and small events across the County and the Bay Area Counties are being cancelled or postponed due to the orders and recommendations at all levels of government to cancel public gatherings amid concerns over spread of the virus. These cancellations and postponements cause loss in revenue for the event, as well as surrounding local businesses who rely on such events to bring in patrons to their businesses; and

Due to the cancellation of conferences and other large-attendance events, there has been a significant loss of business opportunities that will impact City of Stockton residents that work locally and in the Bay Area Counties; and

The effects of COVID-19 on the global economy and supply chains are impacting many companies that employ Stockton residents; and

Some companies are having their employees work remotely or from home in order to prevent exposure in the workplace. With more businesses moving toward working from home, less of the workforce will be patronizing restaurants and other retail establishments that employ hourly workers, which is expected to lead to hourly cutbacks and potentially termination; and

Displacement through eviction destabilizes the living situation of tenants and impacts the health of Stockton residents by uprooting children from schools, disrupting the social ties and networks that are integral to citizens’ welfare and the stability of communities within the City; and

Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the lack of alternative housing; and

During the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment are at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

The Ordinances are temporary and not a general ordinance to be codified pursuant to Section 509 of the City Charter; and

Pursuant to Section 508 of the City Charter, the Urgency Ordinance must be declared by the Council to be an urgency measure necessary for the immediate preservation of the public peace, health or safety, containing a statement of the facts constituting such urgency and adopted by a 2/3 vote of the members of the City Council; and

The Ordinances are a temporary moratorium intended to promote stability and fairness within the residential rental market in the City during the COVID-19 pandemic
outbreak, and to prevent avoidable homelessness thereby serving the public peace, health, safety, and public welfare and to enable tenants in the City whose income and ability to work is affected due to COVID-19 to remain in their homes; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION 1. Title

This Ordinance shall be known as the “COVID-19 Eviction Moratorium Ordinance.”

SECTION 2. Policy and Purposes Declaration

The purposes of this Ordinance are to promote housing stability during the COVID-19 pandemic and to prevent avoidable homelessness. This Ordinance is necessary for the immediate preservation of the public peace, health, or safety because the COVID-19 pandemic has the potential for destabilizing the residential rental market for all the reasons described herein. It is intended to enable tenants in the City whose employment and income have been affected by the COVID-19 pandemic to be temporarily exempt from eviction for non-payment of rent and to reduce the risk that these events will lead to anxiety, stress, and potential homelessness for the affected City residents and their communities thereby serving the public peace, health, safety, and public welfare. The temporary moratorium on evictions for non-payment imposed by this 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 3. Termination Date

This Ordinance shall remain in effect for a period of two (2) months after its effective date and thereafter is repealed unless extended by Ordinance.

SECTION 4. Definitions

“Affected Tenant” shall mean a Tenant or Tenant Household, Mobilehome Resident, or Mobilehome Owner, whose is over the age of 65, has a compromised immune system, heart disease, diabetes, or other serious and chronic medical condition that affects the respiratory system, or has, as a result of COVID-19 pandemic, or declaration of the County Public Health Officer, or other local, State or Federal Authority, suffered a substantial loss in income through their employment as a result of any of the following: 1) job loss; 2) a reduction of compensated hours of work; 3) employer’s business closure; 4) missing work due to a minor child’s school closure; or 5) other similarly-caused reason resulting in a loss of income due to COVID-19 and who is unable to pay rent as a result thereof and has provided their Landlord with documentation or other objectively verifiable proof of the same.

“Landlord” means an owner, lessor, or sublessor who receives or is entitled to receive rent for the use and occupancy of any Rental Unit, Mobilehome or Mobilehome lot, and the
agent, representative, or successor of any of the foregoing.

“Mobilehome” means a structure transportable in one or more sections, designed and equipped to contain not more than one dwelling unit, to be used with or without a foundation system.

"Mobilehome Park" means any area or tract of land where two or more mobilehome lots are rented or leased, or held out for rent or lease, to accommodate mobilehomes used for human habitation for permanent, as opposed to transient, occupancy.

“Mobilehome Owner” means a person who owns a Mobilehome and rents or leases the Mobilehome Park lot on which the Mobilehome is located.

“Mobilehome Resident” means a person who rents a mobilehome from a Mobilehome Owner.

“Rental Unit” means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household, and which household pays rent for the use and occupancy for periods in excess of seven days whether or not the residential use is a conforming use permitted under the Stockton Municipal Code.

“Tenant” means a residential tenant, subtenant, lessee, sublessee, or any other person entitled by written or oral rental agreement, or by sufferance, to use or occupancy of a Rental Unit.

“Tenant Household” means one or more Tenant(s) who occupy any individual Rental Unit, including each dependent of any Tenant whose primary residence is the Rental Unit.

SECTION 5. Scope

This Ordinance applies to Affected Tenants and Landlords of Affected Tenants.

SECTION 6. Moratorium on Certain Terminations of Tenancies

During the term of this Ordinance, a Landlord may not terminate the tenancy of an Affected Tenant unless the Landlord can demonstrate that the termination is for a cause other than the non-payment of rent.

SECTION 7. Affirmative Defense to Eviction; Penalties and Remedies

A. Affirmative Defense. Each Landlord that seeks to terminate a tenancy of an Affected Tenant must comply with this Ordinance. Non-compliance with any applicable component of this Ordinance shall constitute an affirmative defense for an Affected Tenant against any unlawful detainer action under California Code of Civil Procedure section 1161, as amended. Nothing herein is intended to reduce or otherwise alter any person’s obligation
to pay rent as per the applicable rental agreement.

B To assert this defense, an Affected Tenant shall have provided their Landlord with written documentation or other objectively verifiable information establishing that the Affected Tenant has, as a result of the novel coronavirus (COVID-19) pandemic or declaration of County Public Health Officer, or other State or Federal Authority, suffered substantial loss of income caused by any of the following: 1) job loss; 2) a reduction of compensated hours of work; 3) work closure; 4) missing work due to a minor child’s school closure; or 5) other similarly-caused reason resulting in a loss of income due to COVID-19. The following documents shall create a rebuttable presumption that the Affected Tenant has met the documentation requirement set forth above, however, they are not the exclusive form of documentation demonstrating impacts to income due to COVID-19:

1. Letter from employer citing COVID-19 as a reason for reduced work hours or termination;
2. Employer paycheck stubs;
3. Notification from a school declaring a school closure related to COVID-19;
4. California Drivers License or other documentation of date of birth (if over 65);
5. A letter or other document provided by a physician that documents an applicable medical condition.

B Civil Remedies.

Any Landlord that fail(s) to comply with this Ordinance may be subject to civil proceedings for displacement of Affected Tenant(s) initiated by the City or the Affected Tenant Household for actual and exemplary damages.

Whoever is found to have violated this Ordinance shall be subject to appropriate injunctive relief and shall be liable for damages, costs, and reasonable attorneys’ fees.

Treble damages shall be awarded for a Landlord's willful failure to comply with the obligations established under this Ordinance.
Nothing herein shall be deemed to interfere with the right of a Landlord to file an action against a Tenant or non-Tenant third party for the damage done to said Landlord’s property. Nothing herein is intended to limit the damages recoverable by any party through a private action.

**SECTION 8. EFFECTIVE DATE**

This ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: ____________________________

EFFECTIVE: __________________________

____________________________
MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

____________________________
ELIZA R. GARZA, CMC
City Clerk of the City of Stockton
A RESOLUTION OF THE CITY OF STOCKTON ENACTING A TEMPORARY RESTRICTION ON THE OPERATION OF MOVIE THEATERS AND ENTERTAINMENT VENUES; BOWLING ALLEYS AND ARCADES; AND GYMS AND FITNESS CENTERS; AS WELL AS LIMITING RESTAURANTS; DELIS; AND OTHER FOOD VENUES TO DELIVERY, TAKEOUT OR DRIVE-THRU

RECOMMENDATION

It is recommended that the City Council adopt a resolution enacting a temporary restriction on the operation of movie theaters and entertainment venues; bowling alleys and arcades; and gyms and fitness centers; as well as limiting restaurants, delis, and other food venues to delivery, takeout, or drive-thru, through March 31, 2020.

Summary

The temporary restriction follows Federal, State, and County guidelines, announcements, and orders aimed at slowing the spread of novel coronavirus (COVID-19). Limiting spread helps preserve our health system resources for the most critical cases, and therefore can help save lives, especially the lives of residents most at-risk - those 65 and over and those with chronic conditions.

The temporary restriction, which would run through March 31, 2020, would thereafter expire unless extended by resolution.

DISCUSSION

Background

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.

On March 12, 2020, the County of San Joaquin (“County”) declared a public health emergency. The County has reported that there are now nine (9) confirmed cases of COVID-19 within the County.

On March 12, 2020, due to an escalating increase in the number of cases in San Joaquin County, under Stockton Municipal Code section 2.82.060, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency, which determines the legal, operational, and recovery resources available for the City to respond to the COVID-19 public health emergency.

On March 13, 2020, the County issued guidance for mass gatherings, which encourages the postponement or cancellation of gatherings of 250 people or more and recommends that all non-essential smaller gatherings be cancelled or postponed.
These recommendations may be interpreted to also recommend that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another.

Present Situation

On March 15, Governor Newsom announced new directives that all bars, wineries, nightclubs, and brewpubs across the state close, as well as that restaurants cut capacity, and that seniors 65 and over or those with chronic health conditions isolate at home.

On March 16, six Bay Area counties issued a shelter-in-place order to further contain the spread. Thereafter, the City of Los Angeles directed the closure of nightclubs, entertainment venues, and gyms, as well as limiting restaurants to takeout and delivery, through at least the end of March. Several other cities have instituted or are instituting similar measures.

Last night, President Trump also held a press conference to recommend stricter new national guidelines, limiting gatherings to groups of no more than 10 people.

Collectively, local adoption of these measures will help slow the spread of the virus by limiting exposure.
RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF STOCKTON ENACTING A TEMPORARY RESTRICTION ON THE OPERATION OF MOVIE THEATERS AND ENTERTAINMENT VENUES AND RESTRICTING THE OPERATION OF RESTAURANTS, DELIS AND OTHER PREPARED FOOD PROVIDERS TO TAKEOUT OR DRIVE-THROUGH ONLY

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

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

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. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death; and

On March 12, 2020 the County of San Joaquin (“County”) declared a public health emergency and the County has confirmed that there are now nine (9) confirmed cases of COVID-19 within the County; and

On March 13, 2020, due to an escalating increase in the number of cases in San Joaquin County, under Stockton Municipal Code section 2.82.060, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency, which determines the legal, operational and recovery resources available for the City to respond to the COVID-19 public health emergency; and

On March 13, 2020, the County issued guidance for mass gatherings, which encourages the postponement or cancellation of gatherings of 250 people or more and recommends that all non-essential smaller gatherings be cancelled or postponed. These recommendations may be interpreted to also recommend that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

On March 16, 2020 the Counties of Alameda, Contra Costa, San Francisco, Marin, San Mateo, and Santa Clara (“Bay Area Counties”) have issued orders for their residents to “shelter at home” for the three weeks following March 17, 2020, which will limit social and business activities to only those that are essential; and
In order to further prevent the spread of COVID-19 it is imperative that the City restrict certain public gatherings while keeping intact an essential element of City’s food supply infrastructure, now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

Effective until March 31, 2020 (unless extended by Resolution of the City Council), movie theaters and other entertainment venues must remain closed to the public while restaurants, delis and other businesses selling prepared food shall operate on a takeout and/or drive through basis only.

PASSED, APPROVED and ADOPTED _______ March 17, 2020 _______.

__________________________
MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

__________________________
ELIZA R. GARZA, CMC
City Clerk of the City of Stockton
A RESOLUTION OF THE CITY OF STOCKTON REDIRECTING $1,235,000 FROM COUNCIL PRIORITIES TO AN EMERGENCY CORONAVIRUS RESPONSE FUND

RECOMMENDATION

It is recommended that the City Council adopt a resolution directing $1,235,000 from Council Priorities to an Emergency Coronavirus Response Fund.

Summary

On March 12, 2020, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency to respond to the COVID-19 public health emergency.

This resolution would direct funding previously set aside by the Council to an Emergency Coronavirus Response Fund to aid city efforts during this public health emergency.

DISCUSSION

Background
On November 5, the City Council accepted the Fiscal Year 2018-19 Fourth Quarter Budget Status Update Report, approved recommended amendments to the Annual Budgets, and authorized the allocation of available fund balances to reserves.

One of the budget amendments was to appropriate $1.5 million in FY 2019-20 for Council priorities and allocate $265,000 of that fund to homelessness providers and initiatives.

Present Situation

Of the $1.5 million appropriated for Council priorities on November 5, $1,235,000 remains uncommitted. This urgency resolution would direct that those funds be allocated to an Emergency Coronavirus Response Fund for the City Manager to expend on an as-needed basis to support nonprofits, shelters, service providers, small businesses, first responders, and others affected during this public health crisis.
RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF STOCKTON REDIRECTING $1,235,000 FROM CITY COUNCIL PRIORITIES TO AN EMERGENCY COVID-19 RESPONSE FUND

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

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

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. The proclamation comes as the number of positive California cases rises and following one official COVID-19 death; and

On March 12, 2020 the County of San Joaquin (“County”) declared a public health emergency and the County has confirmed that there are now nine (9) confirmed cases of COVID-19 within the County; and

On March 12, 2020, due to an escalating increase in the number of cases in San Joaquin County, under Stockton Municipal Code section 2.82.060, City Manager Harry Black signed a Proclamation of the Existence of a Local Emergency, which determines the legal, operational and recovery resources available for the City to respond to the COVID-19 public health emergency; and

On March 13, 2020, the County issued guidance for mass gatherings, which encourages the postponement or cancellation of gatherings of 250 people or more and recommends that all non-essential smaller gatherings be cancelled or postponed. These recommendations may be interpreted to also recommend that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm’s length of one another; and

On March 16, 2020 the Counties of Alameda, Contra Costa, San Francisco, Marin, San Mateo, Santa Clara (“Bay Area Counties”) have issued orders for their residents to “shelter at home” for the three weeks following March 17, 2020, which will limit social and business activities to only those that are essential; and

In order to further address this crisis, it is necessary to provide robust funding to support the City’s efforts and activities in an efficient and flexible manner while maintaining
appropriate fiscal controls and public accountability; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS
FOLLOWS:

1. Effective immediately $1,235,000 is redirected from Council priorities to fund an Emergency COVID–19 Response Fund.

2. The City Manager is authorized and directed to use the funds available within the Emergency COVID–19 Response Fund to support City actions that are appropriate and necessary to address the impacts and exigencies arising from the COVID-19 pandemic.

3. The City Manager will report to the City Council as promptly and often as is reasonably possible regarding the expenditures made from the Emergency COVID–19 Response Fund.

4. When the emergency arising from the COVID-19 pandemic has passed, the City Manager will provide to the City Council a comprehensive report and accounting of the expenditures approved and made from the Emergency COVID–19 Response Fund.

5. The City Manager is further authorized to take any other actions reasonably necessary to carry out the purpose and intent of this Resolution.

PASSED, APPROVED and ADOPTED _______ March 17, 2020 _______.

________________________________________
MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

_______________________________________
ELIZA R. GARZA, CMC
City Clerk of the City of Stockton