

RESOLUTION NO. 2020-\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA CONFIRMING ISSUANCE OF A FIRST SUPPLEMENT TO THE PROCLAMATION OF A LOCAL EMERGENCY TEMPORARILY SUSPENDING UNTIL MAY 31, 2020, THE AUTHORITY OF ANY LANDLORD TO COMMENCE EVICTIONS ON ANY RESIDENTIAL (INCLUDING MOBILE HOMES AND MOBILE HOME LOTS) OR COMMERCIAL PROPERTY WITHIN THE CITY DUE TO THE TENANT’S NONPAYMENT OF RENT OR A FORECLOSURE ARISING OUT OF A DOCUMENTED SUBSTANTIAL DECREASE IN HOUSEHOLD OR BUSINESS INCOME CAUSED BY THE COVID-19 PANDEMIC OR THE GOVERNMENTAL RESPONSE THERETO.

WHEREAS, Section 2.20.060.a. of the Marina Municipal Code, in the event of a proclamation of a local emergency by the City Manager in his role as Director of Emergency Services or by the Governor, empowers the Director of Emergency Services to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; and

WHEREAS, on March 13, 2020, the City Manager in his role as the Director of Emergency Services, issued a “Proclamation of a Local Emergency Related to Covid-19 (Coronavirus)” (Proclamation of Local Emergency). A copy is attached hereto as Exhibit A; and

WHEREAS, on March 20, 2020, the Director of Emergency Services issued a First Supplement to the Proclamation of Local Emergency (First Supplement) temporarily suspending until May 31, 2020, the authority of any landlord to evict for nonpayment of rent or a foreclosure a residential or commercial tenant who documents that the inability to pay rent is caused by a substantial decrease in household or business income, or an increase in out-of-pocket medical expenses, as a consequence of the COVID-19 pandemic or by the governmental response thereto. A copy is attached hereto as Exhibit B; and

WHEREAS, the First Supplement was issued pursuant to the general police powers of the City to protect the health, safety and welfare of the citizens of Marina; and

WHEREAS, Nothing in the First Supplement relieves a tenant of the obligation to pay rent or a landlord’s ability to recover rent due or to file an action against a tenant or non-tenant for damage done to a landlord’s property; and

WHEREAS, the First Supplement was effective as of March 20, 2020; and

WHEREAS, the City Council hereby finds that the conditions described in the Proclamation of Local Emergency related to the COVID-19 outbreak did warrant and necessitate the issuance of the First Supplement by the Director of Emergency Services.

NOW, THEREFORE, be it resolved by the City Council of the City of Marina that:

- A. The First Supplement to the Proclamation of Local Emergency, as issued by the Director of Emergency Services/City Manager and attached as **Exhibit B** to this Resolution is hereby confirmed.
- B. The First Supplement shall be deemed to continue in force until May 31, 2020.

- C. As required by law, the City Council shall continue to review the need for continuing the state of emergency every thirty (30) days until the state of emergency is terminated by the City Council and, as directed by the City Council on March 17, 2020, the City Manager shall continue to report to the City Council on actions taken under his authority as Director of Emergency Services at every regular meeting of the City Council until the termination of the local emergency shall be proclaimed by the City Council.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Marina, duly held on the 7<sup>th</sup> day of April 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

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Bruce C. Delgado, Mayor

ATTEST:

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Anita Sharp, Deputy City Clerk