

**AN EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF POMONA, CALIFORNIA, AMENDING AND EXTENDING A TEMPORARY ORDER FOR THOSE IMPACTED BY THE NOVEL CORONAVIRUS (COVID-19) DURING A PERIOD OF LOCAL EMERGENCY RELATED TO UTILITY BILLING**

**SECTION 1. Findings.**

- A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”).
- B. On March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- C. On March 4, 2020, the Governor of the State of California 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 broader spread of COVID-19.
- D. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- E. On March 16, 2020, the Pomona City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to the novel coronavirus (“COVID-19”).
- F. On March 16, 2020, the Governor of the State of California issued Executive Order Executive Order N-28-20, authorizing local governments’ through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants financially impacted by COVID-19 through May 31, 2020.
- G. On March 16, 2020, the Los Angeles County Los Angeles County Public Health Officer issued an order countywide that (1) prohibits gatherings where at least 50 people are expected to attend, (2) puts limits and regulations on gatherings of 10-49 people, (3) limits restaurants to drive-through/takeout/delivery, (4) closes bars (that don’t serve food), gyms, movie theaters, etc.
- H. The Centers for Disease Control and Prevention, the California Department of Health, and the Los Angeles County Department of Public Health have all issued recommendations including but not limited to social distancing, canceling or postponing group events, working from home, and other precautions to protect

public health and prevent transmission of this communicable virus. Other counties throughout the state have issued “shelter in place” directives.

- I. As of the date of this order and in order to prevent further exposure, many businesses have imposed work from home policies; meetings, events and social gatherings are being cancelled as people remain at home; customers are not patronizing restaurants and stores or hiring domestic help or travelling. With more businesses moving towards working from home, less of the workforce will be patronizing restaurants, hotels and other retail establishments that employ hourly workers, which is expected to lead to hourly cutbacks and employee terminations.
- J. As a result of the public health emergency and the precautions recommended by health authorities, many individuals in the City of Pomona have experienced or expect soon to experience sudden and unexpected income loss.
- K. The Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks.
- L. The situation is unprecedented and evolving rapidly. Further economic impacts are anticipated.
- M. On March 16, 2020, the Director of Emergency Services issued an Executive Order providing a moratorium on residential and commercial evictions and other forms of relief.
- N. The Governor extended Executive Order Executive Order N-28-20, authorizing local governments through their police power to impose substantive limitations on residential or commercial evictions for nonpayment of rent for tenants financially impacted by COVID-19 through July 28, 2020.
- O. On June 1, 2020, the City Council adopted Urgency Ordinance No. 4290, which superseded the eviction moratorium provisions of the March 16, 2020 Executive Order and extended those provisions through July 28, 2020. The remaining relief provisions of the March 16, 2020 Executive Order suspending disconnection of water service for non-payment and late payment fees and the issuance of certain parking citations and late penalties were extended by Executive Order until July 28, 2020.

- P. In the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this order related to the protection of life and property.
- Q. This Order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and the Chapter 2.56 of the Pomona Municipal Code to protect the peace, health, and safety of the public. This order is necessary for the preservation of the public peace, health, and safety of residents living within the City.

NOW, THEREFORE, I, James Makshanoff, the Director of Emergency Services for the City of Pomona, do hereby issue the following Order to become effective immediately, subject to clarification or revision as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

SECTION 1. Water, Sewer and Solid Waste Service. Because of the local emergency, the City hereby suspends: (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water, sewer, and solid waste bills; and (b) the imposition of late payment penalties or fees for delinquent utility (water, sewer, and solid waste) bills for as long as this Order is in effect.

SECTION 2. I, the Director of Emergency Services, will remain in constant contact with the state and federal government to encourage financial assistance and relief to small businesses.

SECTION 3. I, the Director of Emergency Services, will explore ways to obtain financial assistance, such as a COVID-19 Assistance Fund, similar to California Community Foundation's efforts for Los Angeles County.

SECTION 4. This Order may be superseded by a duly enacted Ordinance of the City Council or a further Order by the Director of Emergency Services adopted during the local emergency that expressly supersedes this Order.

SECTION 5. This Order shall become effective immediately and remain in effect until January 31, 2021, unless extended.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Order.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_ 2020.

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James Makshanoff  
Director of Emergency Services

ATTEST:

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City Clerk