



# AGENDA

## SPECIAL CITY COUNCIL MEETING

### OF THE CITY OF COACHELLA

THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,  
COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,  
COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,  
COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

**August 07, 2020**

**8:00 AM**

Pursuant to Executive Order N-29-20, this meeting will be conducted by teleconference/electronically and there will be no in-person public access to the meeting location.

- Public comments may be received **either via email or telephonically**, with a limit of **250 words, or three minutes**.
  - Written comments may be submitted to the City Council electronically via email to [cityclerk@coachella.org](mailto:cityclerk@coachella.org). Transmittal **prior to the start** of the meeting is required.
  - **Or**, you may provide telephonic comments by leaving a message at **(760)-262-6240 before 8:00 a.m.** on the day of the meeting to be added to the public comment queue. At the appropriate time, you will be called so that you may provide your public testimony to the City Council.
- The **live stream** of the meeting may be **viewed online** by accessing the city's website at [www.coachella.org](http://www.coachella.org), and clicking on the "**Watch Council Meetings**" tab located on the home page.

#### **CALL TO ORDER:**

#### **ROLL CALL:**

#### **APPROVAL OF AGENDA:**

“At this time the Council/ Board/Corporation/Authority may announce any items being pulled from the Agenda or continued to another date or request the moving of an item on the agenda”

#### **NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):**

1. Urgency Ordinance No. 1167 Ratifying the Executive Order Dated July 28, 2020 and Extending the Temporary Moratorium on Evictions due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) that was Originally Enacted by City Council Urgency Ordinance No. 1160 and Extended by Urgency Ordinance Nos. 1163 and 1165.

2. Resolution No. WA-2020-09, a Resolution Ratifying the July 29, 2020 Executive Order and Extending the Temporary Suspension of Service Turnoffs During the COVID-19 State of Emergency Through September 30, 2020.
3. Resolution No. 2020-46 Authorizing the Coronavirus Relief Fund Request for Proposal Process Framework and Funding Priorities
4. Resolution No. 2020-48, a Resolution of the City Council of the City of Coachella, California, in Support of the Addition of a Valley-Wide Representative to the Salton Sea Management Program (“SSMP”) Engagement Committee, and Supporting the Immediate Comparative Engineering Review of the Ocean Water Import Proposals Accepted by the State of California in 2018.

**ADJOURNMENT:**

*Complete Agenda Packets are available on the City’s website [www.coachella.org](http://www.coachella.org).*

THIS MEETING IS ACCESSIBLE TO PERSONS WITH DISABILITIES



**STAFF REPORT**  
**8/7/2020**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Urgency Ordinance No. 1167 Ratifying the Executive Order Dated July 28, 2020 and Extending the Temporary Moratorium on Evictions due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) that was Originally Enacted by City Council Urgency Ordinance No. 1160 and Extended by Urgency Ordinance Nos. 1163 and 1165.

**STAFF RECOMMENDATION:**

Consideration of Urgency Ordinance No. 1167 of the City of Coachella, California, Ratifying the Executive Order Dated July 28, 2020 and Extending a Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (Covid-19) **through September 30, 2020.**

**DISCUSSION/ANALYSIS:**

On March 16, 2020, the Governor of the State of California adopted Executive Order No. N-28-20, that among other things, authorized cities to enact tenant protections.

On March 25, 2020, the City Council adopted Urgency Ordinance No. 1160 (“Urgency Ordinance”), which placed a moratorium on evictions for failure to pay rent between March 25<sup>th</sup> and May 31<sup>st</sup> 2020, if the tenant can demonstrate that the tenant is unable to pay rent due to financial impacts related to COVID-19. The Urgency Ordinance includes notification and verification obligations of the tenant to the landlord and defines “financial impacts related to COVID-19.” If the tenant qualifies for relief, the tenant must still pay unpaid rent within six months after the expiration of the local emergency.

On May 28, 2020 the City Manager acting as the Director of Emergency Services issued an Executive Order extending the temporary moratorium on evictions through June 30, 2020, which was ratified and further adopted by City Council Urgency Ordinance No. 1163 on June 10, 2020. In addition, the Governor issued Executive Order N-66-20, which, in part, extended the City’s ability enact tenant protections through July 28, 2020. Acting in line with the Governor’s Order, the City Council further extended the temporary moratorium through July 28, 2020 by adopting Urgency Ordinance 1165. Urgency Ordinance Nos. 1160, 1163, and 1165 allow the City Council

to further extend the temporary moratorium on evictions beyond July 28, 2020. The State's eviction moratorium has now further been extended to September 30, 2020.

Staff requests that the City Council find that the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella, supporting the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160.

The proposed Urgency Ordinance would extend the temporary moratorium on evictions **through September 30, 2020, consistent with the authority granted by the State.**

From now until the extension lapses on September 30, the City Council and Director of Emergency Services will continue to monitor the situation and may rescinded, modify, or further extend the temporary moratorium on evictions as necessary.

**Alternatives:**

1. Do not adopt Urgency Ordinance No. 1167.
2. Provide additional direction.

**Fiscal Impact:**

None anticipated.

**Attachment:**

1. Urgency Ordinance No. 1167 (Urgency Ordinance No. 1160, May 28, 2020 Executive Order, Urgency Ordinance No. 1163, Urgency Ordinance No. 1165, and July 28, 2020 Executive Order are attached.)



**URGENCY ORDINANCE NO. 1167**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, RATIFYING THE EXECUTIVE ORDER DATED JULY 28, 2020 AND EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160 AND EXTENDED BY CITY COUNCIL URGENCY ORDINANCE NOS. 1163 AND 1165.**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued Executive Order N-28-20 temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City’s Director of Emergency Services; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, on April 8, 2020 the City Council has found it necessary to exercise authority to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, Urgency Ordinance No. 1160 was adopted with the intent that it be temporary in nature, to promote stability and fairness within the residential rental and non-

residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City’s Director of Emergency Services; and

**WHEREAS**, on May 28, 2020, the Director of Emergency Services issued an Order extending the protections in Urgency Ordinance No. 1160 through June 30, 2020 and this Order was ratified and adopted when the City Council adopted Urgency Ordinance 1163, also extending the eviction protections through June 30, 2020; and

**WHEREAS**, on May 29, 2020, the Governor of the State of California issued Executive Order N-66-20 which extended the eviction moratorium set forth in Executive Order N-28-20 Section 1 by an additional sixty (60) days through July 28, 2020; and

**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services issued an Emergency Executive Order on May 28, 2020 extending the eviction moratorium described in Urgency Ordinance No. 1160 through June 30, 2020, unless modified, superseded, or rescinded by the City Council or by himself as City’s Director of Emergency Service. The

May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**; and

**WHEREAS**, the City Council adopted Urgency Ordinance No. 1163 on June 10, 2020 which ratified the May 28, 2020 Executive Order and extended the temporary moratorium on evictions through June 30, 2020. Urgency Ordinance No. 1163 is attached hereto and incorporated herewith as **Attachment “3”**; and

**WHEREAS**, on June 24, 2020, the City Council adopted Urgency Ordinance No. 1165 which further extended the temporary moratorium through July 28, 2020. Urgency Ordinance No. 1165 is attached hereto and incorporated herewith as **Attachment “4”**; and

**WHEREAS**, on June 30, 2020, the Governor extended the State’s temporary protections regarding evictions through September 30, 2020; and

**WHEREAS**, on July 28, 2020, the Director of Emergency Services issued an Order extending the temporary moratorium through September 30, 2020. The July 28, 2020 Order is attached hereto and incorporated herewith as **Attachment “5”**;

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160; and

**WHEREAS**, the City has authority to adopt this Ordinance under the City’s police power and the 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 City’s Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals and Attachments.** The recitals and Attachments “1” (Urgency Ordinance No. 1160), “2” (May 28, 2020 Executive Order), “3” (Urgency Ordinance No. 1163); “4” (Urgency Ordinance No. 1165); and “5” (July 28, 2020 Executive Order) to this Urgency Ordinance are true and correct and this City Council so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Urgency Ordinance. Urgency Ordinance No. 1160 shall remain in full force and

effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Urgency Ordinance, below.

**SECTION 2. Extension of Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting From the Novel Coronavirus (COVID-19) that was Originally enacted by City Council Urgency Ordinance No. 1160.** The City Council hereby ratifies the Emergency Order Dated July 28, 2020 and extends the temporary moratorium on evictions described herein to **September 30, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this Urgency Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

**SECTION 4. Environmental Review.** The City Council finds that adoption and implementation of this Urgency Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Urgency Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

**SECTION 5. Urgency Declaration; Effective Date.** The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Urgency Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City’s Municipal Code, this Urgency Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Urgency Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 6. Publication.** The City Clerk shall certify to the adoption of this Urgency Ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.

**PASSED, APPROVED and ADOPTED** this 7<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

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Carlos Campos  
City Attorney

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Urgency Ordinance No. 1167 is a full, true, and correct copy, and was adopted at a special meeting of the Coachella City Council on the 7<sup>th</sup> day of August, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 7<sup>th</sup> day of August 2020.

\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk



**ATTACHMENT "1"**  
**URGENCY ORDINANCE NO. 1160**

**URGENCY ORDINANCE NO. 1160**

**AN URGENCY ORDINANCE OF THE CITY OF COACHELLA, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19), AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Emergency Services Director, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, this Ordinance is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business; and

**WHEREAS**, 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 ordinance related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19.

Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, the City has authority to adopt this Ordinance under the City’s police power and the 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 City’s Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Temporary Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Crisis.**

A. Notwithstanding anything to the contrary in the Coachella Municipal Code, during the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19.

B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant’s inability to pay rent within the meaning of this ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19 and provide documentation to support the claim by the time of payment of back-due rent. Any documentation that is provided to support this claim is presumed to be adequate for this purpose,

includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim.

C. For purposes of this Ordinance “financial impacts related to COVID-19” include, but are not limited to, tenant lost household or business income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

D. This Ordinance applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed. Violation of this Ordinance shall be punishable as set forth in Sections 1.08.010 and 2.56.100 of the Coachella Municipal Code. In addition, this ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this ordinance.

E. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months following the expiration of the local emergency. A landlord may not charge or collect any interest or any late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

F. No other legal remedies available to landlord are affected by this Ordinance.

**SECTION 2. Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis.**

A. Commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent with respect to tenants whose businesses are subject to State and County orders or are otherwise limited or closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19 and who demonstrate lost income and inability to pay rent as a result of such limitation or closure or other demonstrated financial impact related to COVID-19.

B. A landlord knows of a tenant’s lost income and inability to pay rent within the meaning of this Ordinance if the tenant, within 30 days after the date rent is due, notifies the landlord in writing of the lost income and inability to pay rent due to a limitation or closure of the tenant’s business related to COVID-19. The tenant must provide documentation to support the claim by the time of payment of back-due rent. Any documentation that is provided to support this claim is presumed to be adequate for this purpose, and the burden is on the landlord to prove that it is inadequate. For purposes of this ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded

by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

C. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income they generated during the period of loss.

D. This Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this order. Violation of this Ordinance shall be punishable as set forth in the Coachella Municipal Code.

E. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months following the expiration of the local emergency. A landlord may not charge or collect any interest or any late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

F. No other legal remedies available to landlord are affected by this Ordinance.

**SECTION 3. Temporary Suspension on Ejection of Occupant After Residential Foreclosure.**

A. No ejection action after foreclosure against an occupant of a residential property shall be initiated or proceed during the period of declared local emergency in the City of Coachella if foreclosure results from nonpayment of a loan payment due to a demonstrated financial impact related to COVID-19. Nothing in this Ordinance relieves the occupant of liability for any unpaid loan payments, which the lender may seek after expiration of the local emergency and which the borrower must pay within six months of the expiration of the local emergency, unless a different time is agreed to between the parties. The respective rights and obligations of the parties in any foreclosure-related ejection proceeding shall be adjudicated in the appropriate court of law with jurisdiction over the matter at the conclusion of the local emergency or rescission of this Ordinance.

B. Lenders are strongly encouraged to offer payment plans to borrowers to avoid foreclosure and ejection after the period of local emergency.

C. No other legal remedies available to parties to any foreclosure proceeding are affected by this Ordinance.

**SECTION 4. Temporary Effect.** This Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City's Director of Emergency Services.

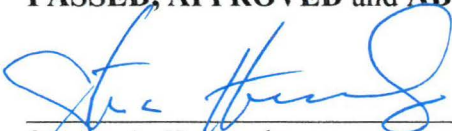
**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

**SECTION 6. Environmental Review.** The City Council finds that adoption and implementation of this ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).


**SECTION 7. Urgency Declaration; Effective Date.** The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City’s Municipal Code, this Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 8. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.


**PASSED, APPROVED and ADOPTED** this 8<sup>th</sup> day of April 2020.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**



---

Carlos Campos  
City Attorney



CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Ordinance No. 1160 is a full, true, and correct copy, and was adopted at a special meeting of the Coachella City Council on April 8, 2020, by the following vote:

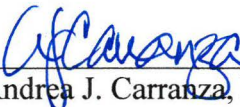
AYES: Councilmember Bautista, Councilmember Beaman Jacinto, Councilmember Gonzalez, and Mayor Hernandez

NOES: None.

ABSENT: Mayor Pro Tem Martinez.

ABSTAIN: None.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 8<sup>th</sup> day of April 2020.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**ATTACHMENT “2”**  
**MAY 28, 2020 EXECUTIVE ORDER**

**ORDER OF THE CITY MANAGER  
OF THE CITY OF COACHELLA  
IN HIS CAPACITY AS  
DIRECTOR OF EMERGENCY SERVICES**

**DATE OF ORDER: MAY 28, 2020**

**AN ORDER EXTENDING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160.**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City’s Director of Emergency Services; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, Urgency Ordinance No. 1160 is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council has found it necessary to exercise authority

to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City's Director of Emergency Services; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160;


**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services finds that Urgency Ordinance No. 1160 and all of its protections shall be extended through June 30, 2020, unless modified, superseded, or rescinded by the City Council or by himself as City's Director of Emergency Services.

**NOW, THEREFORE, THE CITY MANAGER ACTING IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES DOES HEREBY ORDER AS FOLLOWS:**

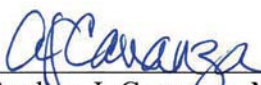
**SECTION 1. Incorporation of Recitals and Attachment.** The Recitals and Attachment "1" (Urgency Ordinance No. 1160) of this Order are true and correct and are incorporated herein and made a part of this Order. Urgency Ordinance No. 1160 shall remain in full force and effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Order, below.

**SECTION 2. Extension of Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting From the Novel Coronavirus (COVID-19) that was Originally enacted by City Council Urgency Ordinance No. 1160.** Pursuant to the authority granted under Urgency Ordinance No. 1160 Section 4. *Temporary Effect*, the City Manager acting in his capacity as Director of Emergency Services hereby extends the temporary moratorium on evictions described herein to **June 30, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.

**IT IS HEREBY ORDERED.**

  
\_\_\_\_\_  
William B. Pattison  
City Manager/Director of Emergency Services

**ATTEST:**

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney

**ATTACHMENT “3”**  
**URGENCY ORDINANCE NO. 1163**

**URGENCY ORDINANCE NO. 1163**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, RATIFYING THE EXECUTIVE ORDER DATED MAY 28, 2020 AND EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City’s Director of Emergency Services; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals



living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, Urgency Ordinance No. 1160 is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council has found it necessary to exercise authority to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that

people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City's Director of Emergency Services; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160; and

**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services issued an Emergency Executive Order on May 28, 2020 extending the eviction moratorium described in Urgency Ordinance No. 1160 through June 30, 2020, unless modified, superseded, or rescinded by the City Council or by himself as City's Director of Emergency Service.; The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment "2"**; and

**WHEREAS**, the City has authority to adopt this Ordinance under the City’s police power and the 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 City’s Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals and Attachment.** The recitals and Attachments “1” (Urgency Ordinance No. 1160) and “2” (May 28, 2020 Executive Order) to this Urgency Ordinance are true and correct and this City Council so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Urgency Ordinance. Urgency Ordinance No. 1160 shall remain in full force and effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Urgency Ordinance, below.

**SECTION 2. Extension of Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting From the Novel Coronavirus (COVID-19) that was Originally enacted by City Council Urgency Ordinance No. 1160.** The City Council hereby ratifies the Emergency Executive Order Dated May 28, 2020 and extends the temporary moratorium on evictions described herein to **June 30, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.


**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this Urgency Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

**SECTION 4. Environmental Review.** The City Council finds that adoption and implementation of this Urgency Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Urgency Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

**SECTION 5. Urgency Declaration; Effective Date.** The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Urgency Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City's affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City's Municipal Code, this Urgency Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Urgency Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 6. Publication.** The City Clerk shall certify to the adoption of this Urgency Ordinance and cause it, or a summary of it, to be published on the City's website and published once in a newspaper of general circulation published and circulated within the City.

**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of June 2020.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

*for*   
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

A handwritten signature in blue ink, appearing to read 'CC' with a flourish extending to the right.

Carlos Campos  
City Attorney

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Urgency Ordinance No. 1163 is a full, true, and correct copy, and was adopted at a regular meeting of the Coachella City Council on June 10, 2020, by the following vote:

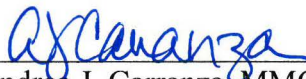
AYES: Councilmember Bautista, Councilmember Beaman Jacinto, Councilmember Gonzalez, Mayor Pro Tem Martinez and Mayor Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: None.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 10<sup>th</sup> day of June 2020.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**ATTACHMENT “4”**  
**URGENCY ORDINANCE NO. 1165**

**URGENCY ORDINANCE NO. 1165**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, EXTENDING THE TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160 AND EXTENDED BY CITY COUNCIL URGENCY ORDINANCE NO. 1163.**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued Executive Order N-28-20 temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and



**WHEREAS**, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City's Director of Emergency Services; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, on April 8, 2020 the City Council has found it necessary to exercise authority to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, Urgency Ordinance No. 1160 was adopted with the intent that it be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City’s Director of Emergency Services; and

**WHEREAS**, on May 28, 2020, the Director of Emergency Services issued an Order extending the protections in Urgency Ordinance No. 1160 through June 30, 2020 and this Order was ratified and adopted when the City Council adopted Urgency Ordinance 1163, also extending the eviction protections through June 30, 2020; and

**WHEREAS**, on May 29, 2020, the Governor of the State of California issued Executive Order N-66-20 which extended the eviction moratorium set forth in Executive Order N-28-20 Section 1 by an additional sixty (60) days through July 28, 2020; and

**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services issued an Emergency Executive Order on May 28, 2020 extending the eviction moratorium described in Urgency Ordinance No. 1160 through June 30, 2020, unless modified, superseded,

or rescinded by the City Council or by himself as City’s Director of Emergency Service. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**; and

**WHEREAS**, the City Council adopted Urgency Ordinance No. 1163 on June 10, 2020 which ratified the May 28, 2020 Executive Order and extended the temporary moratorium on evictions through June 30, 2020. Urgency Ordinance No. 1163 is attached hereto and incorporated herewith as **Attachment “3”**; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160; and

**WHEREAS**, the City has authority to adopt this Ordinance under the City’s police power and the 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 City’s Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals and Attachments.** The recitals and Attachments “1” (Urgency Ordinance No. 1160), “2” (May 28, 2020 Executive Order), and “3” (Urgency Ordinance No. 1163) to this Urgency Ordinance are true and correct and this City Council so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Urgency Ordinance. Urgency Ordinance No. 1160 shall remain in full force and effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Urgency Ordinance, below.

**SECTION 2. Extension of Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting From the Novel Coronavirus (COVID-19) that was Originally enacted by City Council Urgency Ordinance No. 1160.** The City Council hereby extends the temporary moratorium on evictions described herein to **July 28, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.

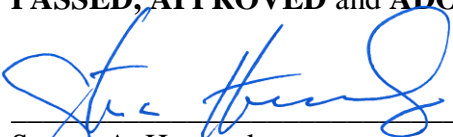
**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase or word of this Urgency Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Urgency Ordinance.

**SECTION 4. Environmental Review.** The City Council finds that adoption and implementation of this Urgency Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Urgency Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

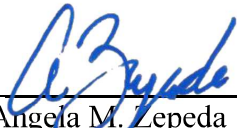
**SECTION 5. Urgency Declaration; Effective Date.** The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Urgency Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City’s Municipal Code, this Urgency Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Urgency Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 6. Publication.** The City Clerk shall certify to the adoption of this Urgency Ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.

**PASSED, APPROVED and ADOPTED** this 24<sup>th</sup> day of June 2020.

  
\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Urgency Ordinance No. 1165 is a full, true, and correct copy, and was adopted at a regular meeting of the Coachella City Council on June 24, 2020, by the following vote:

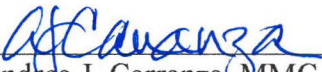
AYES: Councilmember Bautista, Councilmember Beaman Jacinto, Councilmember Gonzalez and Mayor Pro Tem Martinez.

NOES: None.

ABSENT: Mayor Hernandez.

ABSTAIN: None.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 24th day of June 2020.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

ATTACHMENT “5”  
JULY 28, 2020 EXECUTIVE ORDER

**ORDER OF THE CITY MANAGER  
OF THE CITY OF COACHELLA  
IN HIS CAPACITY AS  
DIRECTOR OF EMERGENCY SERVICES**

**DATE OF ORDER: JULY 28, 2020**

**AN ORDER EXTENDING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) THAT WAS ORIGINALLY ENACTED BY CITY COUNCIL URGENCY ORDINANCE NO. 1160 AND EXTENDED BY URGENCY ORDINANCE NOS. 1163 AND 1165.**

**WHEREAS**, 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”); and

**WHEREAS**, 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; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, 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; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Director of Emergency Services, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 25, 2020 the City Council of the City proclaimed a local emergency regarding COVID-19 and ratified the proclamation of local emergency by the City Manager acting as the City’s Director of Emergency Services; and



**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, 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; and

**WHEREAS**, child care options during the summer are limited and local schools will remain closed in August to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, Urgency Ordinance No. 1160 is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business. Urgency Ordinance No. 1160 is attached hereto and incorporated herewith as **Attachment “1”**; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the City Council has found it necessary to exercise authority to adopt Urgency Ordinance No. 1160 related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be 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

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, Urgency Ordinance No. 1160 Section 4. *Temporary Effect* provides that the Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City's Director of Emergency Services; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160; and

**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services adopted a May 28, 2020 Executive Order extending the protections in Urgency Ordinance No. 1160 through June 30, 2020, unless modified, superseded, or rescinded by the City Council or by

himself as City's Director of Emergency Services. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment "2"**; and

**WHEREAS**, the City Council adopted Urgency Ordinance No. 1163 on June 10, 2020 which further extended the temporary moratorium on evictions through June 30, 2020. Urgency Ordinance No. 1163 is attached hereto and incorporated herewith as **Attachment "3"**; and

**WHEREAS**, the City Council adopted Urgency Ordinance No. 1165 on June 24, 2020 which again extended the temporary moratorium on evictions through July 28, 2020. Urgency Ordinance No. 1165 is attached hereto and incorporated herewith as **Attachment "4"**; and

**WHEREAS**, on June 30, 2020, the Governor extended the State's temporary protections regarding evictions through September 30, 2020; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend (1) the temporary moratorium on evictions for non-payment of rent by residential tenants impacted by the COVID-19 crisis; (2) the temporary moratorium on evictions for non-payment of rent by commercial tenants impacted by the COVID-19 crisis; and (3) the temporary suspension on ejection of occupant after residential foreclosure, all of which are described in more detail in Urgency Ordinance No. 1160; and

**WHEREAS**, the City Manager acting in his capacity as Director of Emergency Services makes this Executive Order to again extend the temporary moratorium on evictions within the City through September 30, 2020 based on the recitals above an in efforts to conform to the State's guidance.

**NOW, THEREFORE, THE CITY MANAGER ACTING IN HIS CAPACITY AS DIRECTOR OF EMERGENCY SERVICES DOES HEREBY ORDER AS FOLLOWS:**

**SECTION 1. Incorporation of Recitals and Attachment.** The Recitals, Attachment "1" (Urgency Ordinance No. 1160), Attachment "2" (May 28, 2020 Executive Order), Attachment "3" (Urgency Ordinance No. 1163), and Attachment "4" (Urgency Ordinance No. 1165) of this Executive Order are true and correct and are incorporated herein and made a part of this Executive Order. Urgency Ordinance No. 1160 shall remain in full force and effect, the only modification being the Temporary Moratorium Extension described in Section 2 of this Executive Order, below.

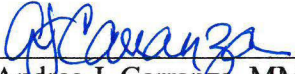
**SECTION 2. Extension of Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting From the Novel Coronavirus (COVID-19) that was Originally enacted by City Council Urgency Ordinance No. 1160.** Pursuant to the authority granted under Urgency Ordinance No. 1160 Section 4. *Temporary Effect*, the City Manager acting in his capacity as Director of Emergency Services hereby extends the temporary moratorium on evictions

described herein to **September 30, 2020**. This extension may be modified, superseded, or rescinded by the City Council or the City Manager as Director of Emergency Services.


**IT IS HEREBY ORDERED.**

  
\_\_\_\_\_  
William B. Pattison  
City Manager/Director of Emergency Services

**ATTEST:**

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
City Attorney



**STAFF REPORT**  
**8/7/2020**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, General Counsel

**SUBJECT:** Resolution No. WA-2020-09, a Resolution Ratifying the July 29, 2020 Executive Order and Extending the Temporary Suspension of Service Turnoffs During the COVID-19 State of Emergency Through September 30, 2020.

**STAFF RECOMMENDATION:**

Consideration and adoption of Resolution WA-2020-09 Ratifying the July 29, 2020 Executive Order and Extending the Temporary Suspension of Service Turnoffs During the COVID-19 State of Emergency Through **September 30, 2020**.

**DISCUSSION/ANALYSIS:**

On March 25, 2020, the Authority adopted Resolution WA-2020-04 which directed the Executive Director to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment, at least through June 1, 2020.

On May 28, 2020 the Executive Director issued an Executive Order extending the Temporary Suspension through June 30, 2020, finding that residents continue to experience economic hardship as a result of COVID-19.

On June 10, 2020, the Board of Directors adopted Resolution WA-2020-07, which ratified the May 28, 2020 Executive Order and extended the Temporary Suspension through June 30, 2020. On June 24, 2020, the Board of Directors again extended the Temporary Suspension through July 31, 2020 by adopting Resolution No. WA-2020-08. On July 29, 2020 the Executive Director adopted an Executive Order extending the Temporary Suspension for an additional two months through September 30, 2020. The prior Resolutions authorize the Board of Directors or Executive Director to further modify, supersede, or rescind the extended Suspension Period.

The proposed Resolution would ratify the July 29, 2020 Executive Order and further extend the Temporary Suspension **through September 30, 2020**.

From now until the extension lapses on September 30, 2020, the Board of Directors and Executive Director will continue to monitor the situation and may rescinded, modify, or further extend the Temporary Suspension as necessary.

**ALTERNATIVES:**

1. Do not adopt Resolution WA-2020-09.
2. Provide additional direction.

**FISCAL IMPACT:**

None Anticipated.

**ATTACHMENT:**

1. Resolution WA-2020-09 (Resolution WA-2020-04, May 28, 2020 Executive Order, Resolution WA-2020-07, Resolution WA-2020-08, and July 29, 2020 Executive Order are attached.)

**RESOLUTION NO. WA-2020-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY RATIFYING THE JULY 29, 2020 EXECUTIVE ORDER AND EXTENDING THE TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE COVID-19 STATE OF EMERGENCY.**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, in March 2020, federal, state, and local governments began to declare states of emergency to increase efforts to protect the public from the 2019 novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which have been in effect for months; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may have lost their jobs, do not have access to paid time off from their employers, or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; and

**WHEREAS**, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

**WHEREAS**, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and

**WHEREAS**, on May 28, 2020, pursuant to authority granted by Resolution WA-2020-04, the Executive Director adopted an Executive Order extending the Temporary Suspension through June 30, 2020. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**; and

**WHEREAS**, on June 10, 2020, the Board of Directors adopted Resolution No. WA-2020-07, which ratified the May 28, 2020 Executive Order and formally adopted the Temporary Suspension extension through June 30, 2020. Resolution WA-2020-07 is attached hereto and incorporated herewith as **Attachment “3”**; and

**WHEREAS**, on June 24, 2020, the Board of Directors adopted Resolution No. WA-2020-08, which extended the Temporary Suspension through July 31, 2020. Resolution WA-2020-08 is attached hereto and incorporated herewith as **Attachment “4”**; and

**WHEREAS**, on July 29, 2020, the Executive Director adopted an Executive Order extending the Temporary Suspension through September 30, 2020. The July 29, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “5”**; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to further extend the Suspension Period; and

**WHEREAS**, the Board of Directors hereby find that the Suspension Period shall be extended through September 30, 2020, unless the Board of Directors and/or the Executive Director later find that the extended Suspension Period should be modified, superseded, or rescinded.

**NOW, THEREFORE, BE IT RESOLVED,**

**SECTION 1. Incorporation of Recitals and Attachments.** The recitals and Attachments “1” (Resolution WA-2020-04), “2” (May 28, 2020 Executive Order), “3” (Resolution WA-2020-07), “4” (Resolution WA-2020-08), and “5” (July 29, 2020 Executive Order) to this Resolution are true and correct and this Authority so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Resolution. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Resolution, below.

**SECTION 2. Suspension Period Extension.** The Board of Directors hereby extends the Temporary Suspension **through September 30, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

**SECTION 3. Severability.** If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board of Directors hereby declare that they would have adopted this



Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**PASSED, APPROVED and ADOPTED** this 7<sup>th</sup> day of August 2020.

---

Steven Hernandez  
President

**ATTEST:**

---

Angela M. Zepeda  
Secretary

**APPROVED AS TO FORM:**

---

Carlos Campos, General Counsel

STATE OF CALIFORNIA     )  
COUNTY OF RIVERSIDE   ) ss.  
CITY OF COACHELLA       )

**I HEREBY CEERTIFY** that the foregoing Resolution No. WA-2020-09 was duly adopted by the Board of the Authority of the Coachella Water Authority at a special meeting thereof held on the 7<sup>h</sup> day of August 2020, by the following vote of the Authority:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Andrea J. Carranza, MMC  
Deputy Secretary, Coachella Water Authority

**ATTACHMENT "1"**  
**RESOLUTION WA-2020-04**

**RESOLUTION NO. WA-2020-04**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY, CALIFORNIA, DECLARING A TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- Water Service System establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, in recent weeks, federal, state, county and local governments have declared states of emergency to increase efforts to protect the public from the novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Board desires to take action to direct the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment.

**NOW, THEREFORE, BE IT RESOLVED,**

**Section 1.** Incorporation of Recitals. The recitals in this Resolution are true and correct and this Authority so finds, determines and represents. Said recitals are incorporated herein and made a part of this Resolution.

**Section 2.** Temporary Suspension. The Board hereby authorizes, and otherwise directs, the Executive Director refrain from taking any action, which would result in the termination of service to any residential retail customer due to nonpayment (“Temporary Suspension”). As a result, the Executive Director shall take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment now. The terms and conditions of the Temporary Suspension shall be

established and implemented as determined in the Executive Director's reasonable discretion and in accordance with this Resolution.

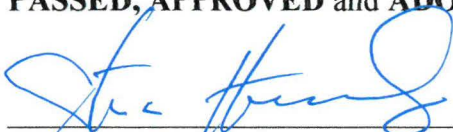
**Section 3. Eligible Customers.** The Temporary Suspension shall only apply to residential retail customers of the Authority. In addition, the Temporary Suspension shall only apply to service termination due to non-payment. The Executive Director will continue to have the authority to proceed with service termination for any other reason including, but not limited to, the theft of water or interference with Authority facilities.

**Section 4. Suspension Period.** The Temporary Suspension shall commence on the effective date of this Resolution and shall expire on June 1, 2020 ("Suspension Period"). The Suspension Period may be extended, or otherwise revised, by the Executive Director from time to time, as determined in the Executive Director's reasonable discretion.

**Section 5. Report to the Board.** The Executive Director shall provide updates to the Board at least as frequently as each Board meeting following the effective date of this Resolution. Said updates shall include information regarding: (a) establishment and implementation of the Temporary Suspension; (b) extensions or revisions to the Suspension Period; (c) the number of qualified customers; and (d) and any other information regarding how this Resolution is being implemented.

**Section 6.** If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**PASSED, APPROVED and ADOPTED** this 25<sup>th</sup> day of March 2020.

  
 \_\_\_\_\_  
 Steven A. Hernandez  
 President

**ATTEST:**

  
 \_\_\_\_\_  
 Angela M. Zepeda, Secretary

**APPROVED AS TO FORM:**



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Carlos Campos, Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

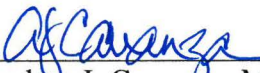
**I HEREBY CERTIFY** that the foregoing Resolution No. WA-2020-04 was duly adopted by the Board of Directors of the Coachella Water Authority at a regular meeting thereof, held on the 25<sup>th</sup> day of March 2020, by the following vote of the Board:

AYES:            Authority Member Bautista, Authority Member Beaman Jacinto, Vice President Martinez and President Hernandez.

NOES:           None.

ABSENT:         Authority Member Gonzalez.

ABSTAIN:       None.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk



**ATTACHMENT “2”**  
**MAY 28, 2020 EXECUTIVE ORDER**

**ORDER OF THE EXECUTIVE DIRECTOR OF THE  
COACHELLA WATER AUTHORITY**

**DATE OF ORDER: MAY 28, 2020**

**AN ORDER OF THE EXECUTIVE DIRECTOR OF THE COACHELLA  
WATER AUTHORITY DECLARING AN EXTENSION OF THE  
TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE  
COVID-19 STATE OF EMERGENCY.**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, in the past ten weeks, federal, state, county and local governments have declared states of emergency to increase efforts to protect the public from the novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; and

**WHEREAS**, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

**WHEREAS**, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and

**WHEREAS**, the Temporary Suspension is set to expire on June 1, 2020, but Resolution Section 4 *Suspension Period* provides that the Executive Director may extend, or otherwise revise, the Suspension Period from time to time, as determined in the Executive Director’s reasonable discretion; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend the Suspension Period; and

**WHEREAS**, the Executive Director finds that the Suspension Period shall be extended through June 30, 2020, unless he/she later finds that the extended Suspension Period should be modified, superseded, or rescinded.

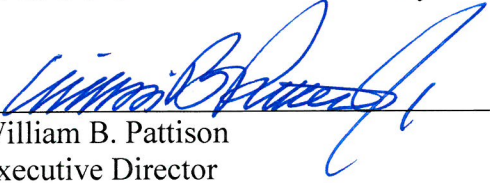
**NOW, THEREFORE, BE IT ORDERED,**

**Section 1. Incorporation of Recitals and Attachment.** The recitals and Attachment “1” (Resolution WA-2020-04) to this Order are true and correct and this Authority so finds, determines and represents. Said recitals are incorporated herein and made a part of this Order. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Order, below.

**Section 2. Suspension Period Extension.** Based on the Authority set forth in Resolution WA-2020-04, the Executive Director hereby extends the Temporary Suspension **through June 30, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

**Section 3. Severability.** If any section, subsection, clause or phrase in this Order is for any reason held invalid, the validity of the remainder of this Order shall not be affected thereby. The Executive Director hereby declares that he would have adopted this Order and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**IT IS SO ORDERED** this 28<sup>th</sup> day of May 2020.

  
\_\_\_\_\_  
William B. Pattison  
Executive Director

**ATTEST:**

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy Secretary of the Coachella Water Authority

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos, Attorney

**ATTACHMENT “3”**  
**RESOLUTION WA-2020-07**

**RESOLUTION NO. WA-2020-07**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY RATIFYING THE MAY 28, 2020 EXECUTIVE ORDER AND EXTENDING THE TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE COVID-19 STATE OF EMERGENCY.**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, in the past ten weeks, federal, state, county and local governments have declared states of emergency to increase efforts to protect the public from the novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; and

**WHEREAS**, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

**WHEREAS**, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and

**WHEREAS**, on May 28, 2020, pursuant to authority granted by Resolution WA-2020-04, the Executive Director adopted an Executive Order extending the Temporary Suspension through June 30, 2020. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**;

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to extend the Suspension Period; and

**WHEREAS**, the Board of Directors hereby desire to ratify the May 28, 2020 Executive Order and find that the Suspension Period shall be extended through June 30, 2020, unless the Board of Directors and/or the Executive Director later find that the extended Suspension Period should be modified, superseded, or rescinded.

**NOW, THEREFORE, BE IT RESOLVED,**

**SECTION 1. Incorporation of Recitals and Attachment.** The recitals and Attachments “1” (Resolution WA-2020-04) and “2” (May 28, 2020 Executive Order) to this Resolution are true and correct and this Authority so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Resolution. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Resolution, below.

**SECTION 2. Suspension Period Extension.** The Board of Directors hereby ratifies the Executive Order dated May 28, 2020 and extends the Temporary Suspension **through June 30, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

**SECTION 3. Severability.** If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board of Directors hereby declare that they would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.


**PASSED, APPROVED and ADOPTED** this 10<sup>th</sup> day of June 2020.

\_\_\_\_\_  
Steven A Hernandez  
President

**ATTEST:**

*for*   
\_\_\_\_\_  
Angela M. Zepeda  
Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos  
Authority Attorney



STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

**I HEREBY CEERTIFY** that the foregoing Resolution No. WA-2020-07 was duly adopted by the Board of the Authority of the Coachella Water Authority at a regular meeting thereof held on the 10<sup>th</sup> day of June 2020, by the following vote of the Authority:

AYES: Authority Member Bautista, Authority Member Beaman Jacinto, Authority Member Gonzalez, Vice President Martinez and President Hernandez.

NOES: None.

ABSENT: None.

ABSTAIN: None.

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**ATTACHMENT “4”**  
**RESOLUTION WA-2020-08**

**RESOLUTION NO. WA-2020-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE COACHELLA WATER AUTHORITY EXTENDING THE TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE COVID-19 STATE OF EMERGENCY**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, in March 2020, federal, state, and local governments have declared states of emergency to increase efforts to protect the public from the 2019 novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; and

**WHEREAS**, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

**WHEREAS**, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and

**WHEREAS**, on May 28, 2020, pursuant to authority granted by Resolution WA-2020-04, the Executive Director adopted an Executive Order extending the Temporary Suspension through

June 30, 2020. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**; and

**WHEREAS**, on June 10, 2020, the Board of Directors adopted Resolution No. WA-2020-07, which ratified the May 28, 2020 Executive Order and formally adopted the Temporary Suspension extension through June 30, 2020. Resolution WA-2020-07 is attached hereto and incorporated herewith as **Attachment “3”**; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to further extend the Suspension Period; and

**WHEREAS**, the Board of Directors hereby find that the Suspension Period shall be extended through July 31, 2020, unless the Board of Directors and/or the Executive Director later find that the extended Suspension Period should be modified, superseded, or rescinded.

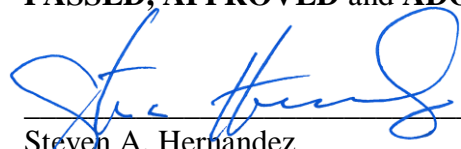
**NOW, THEREFORE, BE IT RESOLVED,**

**SECTION 1. Incorporation of Recitals and Attachments.** The recitals and Attachments “1” (Resolution WA-2020-04), “2” (May 28, 2020 Executive Order), and “3” (Resolution WA-2020-07) to this Resolution are true and correct and this Authority so finds, determines, and represents. Said recitals and Attachments are incorporated herein and made a part of this Resolution. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Resolution, below.


**SECTION 2. Suspension Period Extension.** The Board of Directors hereby extends the Temporary Suspension **through July 31, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

**SECTION 3. Severability.** If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Board of Directors hereby declare that they would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**PASSED, APPROVED and ADOPTED** this 24<sup>th</sup> day of June 2020.

  
 \_\_\_\_\_  
 Steven A. Hernandez  
 President

**ATTEST:**

  
\_\_\_\_\_  
Angela M. Zepeda, Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos, Attorney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

**I HEREBY CERTIFY** that the foregoing Resolution No. WA-2020-08 was duly adopted by the Board of Directors of the Coachella Water Authority at a regular meeting thereof, held on the 24<sup>th</sup> day of June 2020, by the following vote of the Board:

AYES: Authority Member Bautista, Authority Member Beaman Jacinto, Authority Member Gonzalez and Vice President Martinez.

NOES: None.

ABSENT: None.

ABSTAIN: President Hernandez.

  
\_\_\_\_\_  
Andrea J. Carranza MMC  
Deputy City Clerk

**ATTACHMENT “5”**  
**JULY 29, 2020 EXECUTIVE ORDER**

**ORDER OF THE EXECUTIVE DIRECTOR OF THE  
COACHELLA WATER AUTHORITY**

**DATE OF ORDER: JULY 29, 2020**

**AN ORDER OF THE EXECUTIVE DIRECTOR OF THE COACHELLA  
WATER AUTHORITY DECLARING AN EXTENSION OF THE  
TEMPORARY SUSPENSION OF SERVICE TURNOFFS DURING THE  
COVID-19 STATE OF EMERGENCY.**

**WHEREAS**, the Coachella Water Authority (“Authority”) adopted Ordinance 1057, Section 3. Chapter 13.03- *Water Service System* establishing requirements for the provision of water service including billing, payment, interest, late penalties, and shut off processing; and

**WHEREAS**, beginning in March 2020, federal, state, county and local governments began declaring states of emergency to increase efforts to protect the public from the novel coronavirus (“COVID-19”). In addition, a number of school districts have announced closures which may be in effect for a number of weeks; and

**WHEREAS**, many customers face issues such as their children’s schools, or their workplaces, closing in an effort to stop the virus from spreading. These affected customers may not have access to paid time off from their employers or are contract workers who only get paid when they work and they cannot work remotely. Even a few lost days of wages due to the effects of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

**WHEREAS**, Government Code Section 8634 provides that during a local emergency the governing body of a political subdivision, such as the Authority, may promulgate orders and regulations necessary to provide for the protection of life and property. Such orders and regulations, and amendments and rescissions thereof, must be in writing and must be given publicity and notice; and

**WHEREAS**, to help mitigate the negative impacts on those who may suffer a loss of wages due to efforts to slow the spread of COVID-19, the Authority Board of Directors adopted Resolution WA-2020-04 on March 25, 2020 directing the Executive Director, or his/her designees, to refrain from taking action which would result in the termination of service to residential customers, due to nonpayment. Resolution WA-2020-04 is attached hereto as **Attachment “1”**; and

**WHEREAS**, Resolution WA-2020-04 further directs the Executive Director to take any and all action he/she deems necessary, in his/her reasonable discretion, to suspend the imposition of late penalties and interest and to or otherwise refrain from enforcing applicable provisions of Ordinance 1057 in regard to termination of service due to non-payment as of March 25, 2020; and

**WHEREAS**, the Temporary Suspension shall only apply to residential retail customers of the Authority and shall only apply to service termination due to non-payment; and



**WHEREAS**, on May 28, 2020, pursuant to authority granted by Resolution WA-2020-04, the Executive Director adopted an Executive Order extending the Temporary Suspension through June 30, 2020. The May 28, 2020 Executive Order is attached hereto and incorporated herewith as **Attachment “2”**; and

**WHEREAS**, on June 10, 2020, the Board of Directors adopted Resolution No. WA-2020-07, which ratified the May 28, 2020 Executive Order and formally adopted the Temporary Suspension extension through June 30, 2020. Resolution WA-2020-07 is attached hereto and incorporated herewith as **Attachment “3”**; and

**WHEREAS**, on June 24, 2020, the Board of Directors adopted Resolution No. WA-2020-07, which extended the Temporary Suspension through July 31, 2020. Resolution WA-2020-07 is attached hereto and incorporated herein as **Attachment “4”**; and

**WHEREAS**, the COVID-19 pandemic and all of its impacts on public health, the economy, and the community at large continue to be felt by the citizens of Coachella. The Recitals above continue to describe the current situation and the support the need to further extend the Suspension Period; and

**WHEREAS**, the Temporary Suspension is set to expire on July 31, 2020, but Resolution Section 4 *Suspension Period* provides that the Executive Director may extend, or otherwise revise, the Suspension Period from time to time, as determined in the Executive Director’s reasonable discretion; and

**WHEREAS**, the Executive Director hereby finds that the Suspension Period shall be extended through September 30, 2020, unless he, or the Board of Directors, later finds that the extended Suspension Period should be modified, superseded, or rescinded.

**NOW, THEREFORE, BE IT ORDERED,**

**Section 1. Incorporation of Recitals and Attachments.** The recitals and Attachment “1” (Resolution WA-2020-04), Attachment “2” (May 28, 2020 Executive Order), Attachment “3” (Resolution WA-2020-07), and Attachment “4” (Resolution WA-2020-08) to this Order are true and correct and this Authority so finds, determines and represents. Said recitals are incorporated herein and made a part of this Order. Resolution WA-2020-04 shall remain in full force and effect, the only modification being the Suspension Period Extension described in Section 2 of this Order, below.

**Section 2. Suspension Period Extension.** Based on the Authority set forth in Resolution WA-2020-04, the Executive Director hereby extends the Temporary Suspension **through September 30, 2020**. This Extended Suspension Period may be modified, superseded, or rescinded by the Board of Directors or Executive Director.

**Section 3. Severability.** If any section, subsection, clause or phrase in this Order is for any reason held invalid, the validity of the remainder of this Order shall not be affected thereby.

The Executive Director hereby declares that he would have adopted this Order and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof be held invalid.

**IT IS SO ORDERED** this 29<sup>th</sup> day of July 2020.

  
\_\_\_\_\_  
William B. Pattison  
Executive Director

**ATTEST:**

  
\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy Secretary of the Coachella Water Authority

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Carlos Campos, Attorney



**STAFF REPORT  
8/7/2020**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Nathan Statham, Finance Director; Celina Jimenez, Grants Manager; Gabriel Martin, Economic Development Manager  
**SUBJECT:** Resolution No. 2020-46 Authorizing the Coronavirus Relief Fund Request for Proposal Process Framework and Funding Priorities

**STAFF RECOMMENDATION:**

Staff is requesting the City Council consider adopting Resolution No. 2020-46 authorizing the Coronavirus Relief Fund Request for Proposal process framework and funding priorities.

**BACKGROUND:**

On July 22, 2020, the City Council discussed a Coronavirus Relief Fund (CRF) framework and established funding priorities. During the discussion, Council expressed overall interest in funding programs and projects that provide rent relief, small business assistance, offer opportunities for youth enrichment, and mental health/emotional well-being. The deadline for expending CRF funds is December 30, 2020. Given this short time frame, the City Council requested that staff develop an implementation RFP process for immediate CRF funding.

**DISCUSSION/ANALYSIS:**

The City of Coachella is designating \$230,000 of its \$582,612 Coronavirus Relief Funds to be granted through a competitive Request for Proposal (RFP) process. The RFP and application for this grant program will be available beginning August 10, 2020 and applicants may submit their responses electronically through August 20, 2020.

**Coronavirus Relief Fund RFP Timeline**

August 10 – August 20, 2020	RFP Available
August 20, 2020	RFP Proposal Submission Due
August 24 – September 1, 2020	Proposal Review Period
September 9, 2020	Recommendations for City Council Approval

## Funding Priorities and Categories

- 1) **Behavioral Health and Emotional Well-Being (\$80,000):** Community and individual healing. Many Coachella residents are facing profound uncertainty, financial hardship, and isolation. The pandemic, along with the economic impact of mitigation efforts imposed to control it, are expected to increase the rate of mental health and substance use disorders, including deaths associated with suicide, overdose, and violence (especially intimate partner violence and child abuse). In addition, the impact of structural racism and the disproportionate impact of COVID-19 on communities of color requires support for the primary and secondary trauma experienced. There are many ways that support for behavioral health and emotional wellbeing can be provided to members of the community of Coachella. Grants under this priority will support services provided under the traditional mental health model (e.g., 1:1 therapy/counseling, virtual group visits) as well as community-based approaches.
- 2) **Small Business Assistance (\$50,000):** The City of Coachella's Coronavirus Relief Fund is also focusing on support for small businesses, especially restaurants, to help restaurants expand their outdoor seating capacity. Grants in this category will also support small businesses in implementing the necessary public health measures required to reopen safely (i.e. sneeze guards, plexiglass, signage, sign boards, fencing, seating for outdoor use, etc.).
- 3) **Youth Enrichment Nonprofit Assistance (\$100,000):** The ongoing COVID-19 pandemic is creating deep and disparate consequences for young people and their families. Young people under 18 years of age are particularly vulnerable to the disruptions the pandemic has caused, and many are now at risk of being left behind in education, economic opportunities, and health and well-being during a crucial stage of their life development. Youth face disruptions to their education of uncertain duration, with varying levels of alternative delivery methods. These disruptions can negatively impact learning, access to nutrition, and consequently, graduation rates. More than 26% of the youth (0-18) in Coachella come from households that are monolingual Spanish-speaking, have siblings with disabilities, live in an economically distressed neighborhood, might live in a physically abusive or hostile home where going to school was a safe haven. Solutions under this category are required to adhere to the Governor's and County Orders requiring social distancing and face masks.

## GRANT AGREEMENT

Each grant recipient must formally enter into a legal agreement with the City of Coachella. The agreement will address the conditions of the award, including implementation of the project. Once the agreement is signed, the awardee is expected to read and comply with all conditions of the agreement. **An award through this program will only support activities performed and expenditures directly related to COVID-19.** The funded applicant will be legally responsible for assuring implementation of project activities and compliance with all applicable state and federal requirements including insurance, nondiscrimination, data privacy, budget compliance, and reporting. Funds expended by recipients that are found to be ineligible, inconsistent, or noncompliant with state and federal guidelines will need to be returned to the City of Coachella.

## **ACCOUNTABILITY**

### **Single Audit Act Amendments of 1996 (Single Audit Act)**

The Single Audit Act Amendments of 1996 (Single Audit Act) were enacted to streamline and improve the effectiveness of audits of federal awards expended by states, local governments, and not-for-profit entities, as well as to reduce audit burdens. Amendments include uniform administrative requirements, cost principles, and audit requirements for federal awards found in Chapter 2 of the Federal Acquisition Regulations, Part 200. Single Audits are required when a non-federal entity expends \$750,000 or more in federal funds in one year. Single Audits are performed by independent auditors and encompass both financial and compliance components.

The City of Coachella will be subject to future audits of State or Federal funds received by the City; these audits be conducted by the City's external auditor and reviewed by the Inspector General's Office and/or the Government Accountability Office. The key to successfully withstanding any future audit will be the City's ability to provide sufficient and appropriate documentation regarding the use of State and Federal funds in response to COVID-19. Adhering to the City's COVID-19 internal controls described in the RFP will help the City (and its subrecipients) to demonstrate that all State and Federal funds were used appropriately and in accordance with all regulatory requirements.

### **Documentation and Record Retention**

The City of Coachella maintains City documents in accordance with the City's Records Management Policy and record retention schedule. The City and any subrecipient of Coronavirus Relief Funds must retain records for five years (5) after final payment is made and should be available on requests for audits. It should be noted that documents associated with the City's COVID-19 response could be subject to a Public Records Act request. If a request is made, the City will respond to the request in accordance with the City's Public Records Request Policy. Documents created as part of the City's COVID-19 response should be kept, at a minimum, in accordance with the City's Records Management Policy; however, the City could be required to maintain documents for longer periods of time to comply with federal funding regulations. The City will maintain COVID-19 documents in compliance with the City's Records Management Policy and federal funding regulations, whichever is longer.

### **Reporting Requirements**

It is the policy of the City of Coachella to monitor progress on grants by requiring recipients to submit written progress reports on grant activities and expenditures. Progress reports on approved grant project activities will be required on the following schedule:

- Report 1 - September 14, 2020
- Report 2 - October 12, 2020
- Report 3 - November 12, 2020
- Report 4 - December 10, 2020
- Report 5 - January 12, 2021

**Reporting Requirements (continued...)**

Reports provided by award recipients will need to provide sufficient supporting documentation to show that expenditures under this program meet all program requirements and satisfy sub-recipient monitoring guidelines as outlined in the most current federal compliance supplement for expenditures of federal awards. Additional funds will not be provided by the City until City staff has verified program compliance.

**ALTERNATIVES:**

1. Resolution No. 2020-46 Authorizing the Coronavirus Relief Fund Request for Proposal Process Framework and Funding Priorities
2. Not Adopt Resolution No. 2020-46 Authorizing the Coronavirus Relief Fund Request for Proposal Process Framework and Funding priorities

**FISCAL IMPACT:**

The City of Coachella will appropriate part of its CARES Act Coronavirus Relief Funds (CRF) allocation in the amount of \$230,000 to provide relief to its residents through programs and services delivered by nonprofits and to support small businesses that have been impacted by COVID-19. Additionally, \$152,612 will be appropriated for direct COVID-19 expenses incurred or expected to be incurred by the City. CRF spending will support and advance inclusive economic growth, improve the health of neighborhoods and support people, places, and actions that promote overall economic recovery and impacts immediately and well beyond this pandemic.

**ATTACHMENT(S):**

1. Resolution No. 2020-46
2. 2020 Coronavirus Relief Fund Request for Proposals

**RESOLUTION NO. 2020-46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA,  
CALIFORNIA, AUTHORIZING THE CORONAVIRUS RELIEF FUND REQUEST FOR  
PROPOSAL PROCESS FRAMEWORK AND FUNDING PRIORITIES**

**BACKGROUND** The California Budget authorized the Department of Finance to allocate \$1,289,065,000 to address the public health and public safety impacts of COVID-19, including homelessness. Cities will receive \$500,000,000 for similar purposes. Federal law specifies that these funds may only be used for unbudgeted costs incurred between March 1, 2020 and December 30, 2020. All funds must be spent (not merely encumbered) by the end of the year. The City of Coachella's allocation is \$582,612.00 based on its population.

**WHEREAS** on March 4, 2020, Governor Newsom proclaimed a State of Emergency as a result of the threat of the coronavirus disease (COVID-19) in the State of California;

**WHEREAS** on March 8, 2020, the County of Riverside proclaimed a public health emergency as a result of the threat of COVID-19 (pandemic) in the county;

**WHEREAS** on March 19, 2020, the City Council of the City of Coachella adopted a resolution declaring a local emergency relating to the pandemic;

**WHEREAS** on July 1, 2020, the City of Coachella submitted a certification form to the Department of Finance in order to receive its allocated funds;

**WHEREAS** on July 22, 2020, On July 22, 2020, the City Council discussed a Coronavirus Relief Fund (CRF) framework and established funding priorities. During the discussion, Council expressed overall interest in funding programs and projects that provide rent relief, small business assistance, offer opportunities for youth enrichment, and mental health/emotional well-being. The deadline for expending CRF funds is December 30, 2020. Given this short time frame, the City Council requested that staff develop an implementation RFP process for immediate CRF funding;

**WHEREAS** the City of Coachella is designating \$230,000 of its \$582,612 Coronavirus Relief Funds to be granted through a competitive Request for Proposal (RFP) process. The RFP and application for this grant program will be available beginning August 10, 2020 and applicants may submit their responses electronically through August 20, 2020

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1.** The City Manager is authorized to accept the \$582,612 Coronavirus Relief Funds from the California Department of Finance.

**Section 2.** The City Manager is authorized to establish the Coronavirus Relief Fund Program.

**Section 3.** The City Manager is authorized the establish the COVID-19 grant programs and establish revenue and expenditure budgets, appropriate funds consistent with the grant programs, and realign existing funding within the various grant programs as outlined in the funding priorities below:

- 1) Behavioral Health and Emotional Well-Being (\$80,000)
- 2) Small Business Assistance (\$50,000)
- 3) Youth Enrichment Nonprofit Assistance (\$100,000)
- 4) Rental Relief Assistance (\$200,000)



**PASSED, APPROVED AND ADOPTED** this 7<sup>th</sup> day of August, 2020 by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Steven Hernandez, Mayor

**ATTEST:**

\_\_\_\_\_  
Angela Zepeda, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carlos Campos, City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF RIVERSIDE        ) ss.  
CITY OF COACHELLA            )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2020-46 was duly adopted by the City Council of the City of Coachella at a special meeting thereof, held on this 7<sup>th</sup> day of August, 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Andrea Carranza, MMC  
Deputy City Clerk



CITY OF COACHELLA

# 2020 Coronavirus Relief Fund Request for Proposals

August 2020

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## Introduction

At its regularly scheduled City Council meeting of July 22, 2020, the City Council of the City of Coachella discussed a Coronavirus Relief Fund (CRF) framework and established funding priorities. During the discussion, Council expressed overall interest in funding programs and projects that provide rent relief, small business assistance, offer opportunities for youth enrichment, and mental health/emotional well-being. The deadline for expending CRF funds is December 30, 2020. Given this short time frame, city staff developed an implementation process for immediate CRF funding. The City Council established the following funding priority categories:

1. **Behavioral Health and Emotional Well-Being:** Community and individual healing. Many Coachella residents are facing profound uncertainty, financial hardship, and isolation. The pandemic, along with the economic impact of mitigation efforts imposed to control it, are expected to increase the rate of mental health and substance use disorders, including deaths associated with suicide, overdose, and violence (especially intimate partner violence and child abuse). In addition, the impact of structural racism and the disproportionate impact of COVID-19 on communities of color requires support for the primary and secondary trauma experienced. There are many ways that support for behavioral health and emotional wellbeing can be provided to members of the community of Coachella. Grants under this priority will support services provided under the traditional mental health model (e.g., 1:1 therapy/counseling, virtual group visits) as well as community-based approaches.
2. **Youth Enrichment Nonprofit Assistance:** The ongoing COVID-19 pandemic is creating deep and disparate consequences for young people and their families. Young people under 18 years of age are particularly vulnerable to the disruptions the pandemic has caused, and many are now at risk of being left behind in education, economic opportunities, and health and well-being during a crucial stage of their life development. Youth face disruptions to their education of uncertain duration, with varying levels of alternative delivery methods. These disruptions can negatively impact learning, access to nutrition, and consequently, graduation rates. More than 26% of the youth (0-18) in Coachella come from households that are monolingual Spanish-speaking, have siblings with disabilities, live in an economically distressed neighborhood, might live in a physically abusive or hostile home where going to school was a safe haven. Solutions under this category are required to adhere to the Governor's and County's Orders requiring social distancing and face masks.
3. **Small Business Assistance:** The City of Coachella's Coronavirus Relief Fund is also focusing on support for small businesses, especially restaurants, to help restaurants expand their outdoor seating capacity. Grants in this category will also support small businesses in implementing the necessary public health measures required to reopen safely (i.e. sneeze guards, plexiglass, signage, sign boards, fencing, seating for outdoor use, etc.).

**Overview and Requirements**

The City of Coachella’s Coronavirus Relief Fund is focusing on support for nonprofit organizations working directly to respond to the pandemic among vulnerable populations in order to help build their capacity to address the most pressing needs. These include organizations focused on supporting low-income households, immigrants, young children under 5, youth, older adults, people with disabilities, and other communities vulnerable to the physical health, mental health and economic impacts of the pandemic.

The City of Coachella’s Coronavirus Relief Fund is also focusing on support for small businesses, especially restaurants, to help restaurants expand their outdoor seating capacity. Grants will also support small businesses in implementing the necessary public health measures required to reopen safely (i.e. sneeze guards, plexiglass, signage, sign boards, fencing, seating for outdoor use, etc.).

The City of Coachella received an allocation of \$582,162 of which \$430,000 is being designated to projects or programs that address the impacts of the COVID-19 pandemic. Through this competitive RFP process, \$230,000 will be awarded of the \$430,000. The CARES Act requires that the payments from the Coronavirus Relief Fund only be used to cover expenses that—

- Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19);
- Were not accounted for in the recipient organization’s budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and
- Were incurred during the period that begins on the date of September 10, 2020, and ends on December 30, 2020.

**Timeline**

August 10 – August 20, 2020	RFP Available
August 20, 2020	RFP Proposal Submission Due
August 24 – September 1, 2020	Proposal Review Period
September 9, 2020	Recommendations for City Council Approval
September 10, 2020	Award Notifications

## Selection Criteria

Due to the anticipated number of submissions and limited funding, late application submissions will not be processed or considered. The RFP does not obligate the City of Coachella to award a grant agreement. The City of Coachella reserves the right to waive minor irregularities or request additional information to further clarify or validate information submitted in the application, provided the application, as submitted, substantially complies with the requirements of this RFP. There is, however, no guarantee that the City of Coachella will look for information or clarification outside of the submitted written application. Therefore, it is important that all applicants ensure that all sections of their application are complete to avoid the possibility of failing an evaluation phase or having their score reduced for lack of information.

### Experience (40 points)

Applicant must demonstrate the programmatic, administrative, financial, oversight, and management expertise to administer their selected funding priority category that their proposed project or program falls under. The City will prioritize applications from agencies that have experience implementing CARES Act funded programs and services. This includes key staff's previous experience in successfully operating similar programs.

### Program Design, Implementation and Outcomes (30 points)

The applicant must describe an organized proposal to provide direct services to program/project participants in either of the following categories:

- ✓ Behavioral Health and Emotional Well-Being;
- ✓ Youth Enrichment Programming by Nonprofits
- ✓ Small Business Assistance

The applicant shall describe how their program will serve participants (or patrons, if they are a small business), determine client eligibility, staff the program, approach to ensuring long-term sustainability, and proposed number of individuals to be served.

### Program Budget (30 points)

Must outline a reasonable budget that identifies the type and amount of all costs to support the proposed program, including: 1) Itemized program operating budget; 2) Availability and/or potential leveraging of additional funds to support program objectives, including identification of funding sources and status of funding commitment; 3) Description of financial capacity and experience in grant management and compliance. [Please use the Budget Forms included with RFP]

## Ineligible Expenses

Ineligible expenses include but are not limited to:

- Any expenses not tied directly to COVID-19 planning and response
- COVID-19 response expenses incurred prior to March 18, 2020
- Expenses incurred supporting locations operating outside of Coachella
- Any expenses covered or reimbursable by another funding source
- Medical claims expenses for staff, clients, patients or residents
- Contingency funds created to offset unknown future costs
- Fundraising
- Taxes, except sales tax on goods and services
- Lobbyists, political contributions
- Bad debts, late payment fees, finance charges
- Lost revenue due to COVID-19 epidemic
- Paid sick leave for staff
- Food for staff
- Wages for staff in isolation/quarantine
- Rent/Utilities
- Indirect costs
- Grant Management Responsibilities

## Grant Agreement

Each grant recipient must formally enter into a legal agreement with the City of Coachella. The agreement will address the conditions of the award, including implementation of the project. Once the agreement is signed, the awardee is expected to read and comply with all conditions of the agreement. **An award through this program will only support activities performed and expenditures directly related to COVID-19.** The funded applicant will be legally responsible for assuring implementation of project activities and compliance with all applicable state and federal requirements including insurance, nondiscrimination, data privacy, budget compliance, and reporting.



### **Single Audit Act Amendments of 1996 (Single Audit Act)**

The Single Audit Act Amendments of 1996 (Single Audit Act) were enacted to streamline and improve the effectiveness of audits of federal awards expended by states, local governments, and not-for-profit entities, as well as to reduce audit burdens. Amendments include uniform administrative requirements, cost principles, and audit requirements for federal awards found in Chapter 2 of the Federal Acquisition Regulations, Part 200. Single Audits are required when a non-federal entity expends \$750,000 or more in federal funds in one year. Single Audits are performed by independent auditors and encompass both financial and compliance components.

The City of Coachella will be subject to future audits of these funds; the audits will be conducted by the City's external auditors and be reviewed by the Inspector General's Office or the Government Accountability Office. The key to successfully withstanding any future audit will be the City's ability to provide sufficient and appropriate documentation regarding the use of State and Federal funds in response to COVID-19. Adhering to the City's COVID-19 internal controls described in the RFP will help the City (and its subrecipients) to demonstrate that all State and Federal funds were used appropriately and in accordance with all regulatory requirements.

### **Documentation and Record Retention**

The City of Coachella maintains City documents in accordance with the City's Records Management Policy and record retention schedule. The City and any subrecipient of Coronavirus Relief Funds must retain records for five years (5) after final payment is made and should be available on requests for audits. It should be noted that documents associated with the City's COVID-19 response could be subject to a Public Records Act request. If a request is made, the City will respond to the request in accordance with the City's Public Records Request Policy.

Documents created as part of the City's COVID-19 response should be kept, at a minimum, in accordance with the City's Records Management Policy; however, the City could be required to maintain documents for longer periods of time to comply with federal funding regulations. The City will maintain COVID-19 documents in compliance with the City's Records Management Policy and federal funding regulations, whichever is longer.

## **Accountability and Reporting Requirements**

It is the policy of the City of Coachella to monitor progress on grants by requiring recipients to submit written progress reports on grant activities and expenditures. Progress reports on approved grant project activities will be required on the following schedule:

- Report 1 - September 14, 2020
- Report 2 - October 12, 2020
- Report 3 - November 12, 2020
- Report 4 - December 10, 2020
- Report 5 - January 12, 2021

Reports provided by award recipients will need to provide sufficient supporting documentation to show that expenditures under this program meet all program requirements and satisfy sub-recipient monitoring guidelines as outlined in the most current federal compliance supplement for expenditures of federal awards. Additional funds will not be provided by the City until City staff has verified program compliance.

## **Non-Discrimination Requirements for Grantees**

The grantee agrees not to discriminate against any person seeking service or assistance because of race, color, creed, religion, national origin, sex, marital status, status in regard to public assistance, immigration status, membership or activity in a local commission, disability, sexual orientation, age, physical or mental disability.

## **Ineligible Organizations and Businesses**

Please note that the following organizations are not eligible to apply:

- K-12 schools including charter, public or private;
- College or universities
- Libraries
- Government entities/agencies
- Grantmaking organizations and charitable trusts
- Fraternal organizations
- Churches or religious organizations, except for specific programs with direct service offered to general public without regard to faith, affiliation, religious belief or practice, and that are provided in a non-discriminatory way that benefits the larger community
- Licensed cannabis businesses
- Businesses who are under bankruptcy protection

## Application Instructions

**Eligible Applicants:** This RFP is open to all organizations and small businesses that provide any type of direct assistance in the funding priority categories. Applicants must follow the steps below to submit an application. Facsimile or electronic transmissions will not be accepted.

- ✓ Submit 5 bound hard copies (no staples, single-sided; bound means in a 3-ring binder or comb/coil/thermal bound)
- ✓ Please have your packet **DELIVERED** (i.e. UPS or FedEx) to:

Coronavirus Relief Fund RFP  
 City of Coachella  
 53990 Enterprise Way  
 Coachella, CA 92236  
 ATTN: Celina Jimenez, Grants Manager

OR

- ✓ You may schedule an appointment to **DROP OFF IN-PERSON** by emailing Celina Jimenez at: [cjimenez@coachella.org](mailto:cjimenez@coachella.org) Proper COVID-19 protocols will be followed and further instructions will be provided upon scheduling

In-Person Drop-Offs will take place at:

Coronavirus Relief Fund RFP  
 City of Coachella  
 53990 Enterprise Way  
 Coachella, CA 92236  
 ATTN: Celina Jimenez, Grants Manager

- ✓ Questions? Please submit your questions in writing to Celina Jimenez via email at: [cjimenez@coachella.org](mailto:cjimenez@coachella.org)
- ✓ **Submittal due date is August 20, 2020 by 5:00 PM. All submissions must be received by August 20, 2020.**

City of  
Coachella

Coronavirus Relief Fund Request for Proposals  
Application

Name of Organization or Business:

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Address:

---

City, State, Zip Code:

---

Telephone:

---

Email Address:

---

Name of Contact Person:

---

EIN / Tax ID Number:

---

DUNS Number:

---

Website or Social Media Site Address:

---

Program Name:

---

Amount of Funds Requesting:

\$

---

Type and amount of Federal, State or  
Local COVID-19 related financial  
assistance already received

\$

Type:

---

Funding Priority Category: (select one)

- Behavioral Health and Emotional Well-Being
- Youth Enrichment Nonprofit Assistance
- Small Business Assistance

---

A statement of how your project or  
program has a nexus to COVID-19 and will  
help bring relief to the residents of  
Coachella

[please address this important  
question in your RFP proposal/response]

---

**CERTIFICATION**

*The undersigned certifies the information contained herein is true, correct and complete to the best of his/her knowledge and belief. The applicant further understands that the application is a request and there is no guarantee, expressed or implied, that funds will be provided to applicant. All organizations awarded federal funds will be subject to federal, state and local regulatory compliance.*

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name & Title of Authorized Person

### **Document Checklist (Nonprofit Organizations – Attach one set only)**

- Copy of IRS Letter of Determination
- Charter or Articles of Incorporation
- By-Laws
- Organizational Budget
- Board of Directors Roster (including names, titles, occupations, terms of office)
- A list of persons who will execute the project and manage the funded activities. Include descriptions of their education, work experience and qualifications. Current curriculum vitae may be used to provide descriptions of education, work experience and qualifications.

\*\*Please note: If your organization meets all criteria but is not officially a 501(c)(3), a fiscal sponsor is needed to apply for this grant. In addition, a current MOU with your fiscal sponsor must be included in order to certify their role as fiscal sponsor.

### **Document Checklist (Small Businesses)**

- A copy of a current photo identification for each business owner
- A completed and signed IRS W-9 Form (available on the internet)
- Copy of City of Coachella Business License
- First page of business tax return (2019 or 2018 if your 2019 return was extended)
- FTE (full time employee) count for March 1, May 1 and July 1, 2020
- Site Plan of Furniture Layout (for questions about this requirement, please contact Gabriel Martin at [gmartin@coachella.org](mailto:gmartin@coachella.org))

## EXHIBIT A-2—PROJECT BUDGET FORM: INCOME

City of Coachella

2020 Coronavirus Relief Fund Program

Project Title \_\_\_\_\_

List all income sources on the “Exhibit A-2 Project Budget” Income form in the Cash and In-Kind Contribution sections. Indicate the dollar value in either the “Anticipated” or the “Committed” column. The applicant’s funding request should be listed in the space provided.

CASH	Anticipated	Committed	Total
CARES Act Award			0
Applicant Organizational Budget			0
			0
			0
			0
Other Funding Sources			0
			0
			0
			0
			0
			0
			0
<b>Total Cash Income</b>	0	0	0
IN-KIND CONTRIBUTION	Anticipated	Committed	Total
			0
			0
			0
			0
			0
			0
			0
			0
			0
			0
<b>Total In-Kind Contributions</b>	0	0	0
<b>TOTAL PROJECT INCOME</b>	0	0	0

### EXHIBIT A-2—PROJECT BUDGET FORM: EXPENSES

City of Coachella

2020 Coronavirus Relief Fund Program

Project Title \_\_\_\_\_

Expense Description	CARES Act Grant	Other Cash Source	In-Kind Contribution	TOTAL
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
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				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
<b>SUBTOTAL</b>	0	0	0	0
Admin. Expense	0	0	0	0
<b>TOTAL PROJECT BUDGET</b>	0	0	0	0



**RESOLUTION NO. 2020-48**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, IN SUPPORT OF THE ADDITION OF A VALLEY-WIDE REPRESENTATIVE TO THE SALTON SEA MANAGEMENT PROGRAM (“SSMP”) ENGAGEMENT COMMITTEE, AND SUPPORTING THE IMMEDIATE COMPARATIVE ENGINEERING REVIEW OF THE OCEAN WATER IMPORT PROPOSALS ACCEPTED BY THE STATE OF CALIFORNIA IN 2018.**

**THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:**

**WHEREAS**, the State of California ("State") has developed the Salton Sea Management Program through departments within the California Natural Resources and Environmental Protection Agencies and is obligated to pay for certain costs related to habitat, air and water quality issues at the Salton Sea; and

**WHEREAS**, the California State Water Resources Control Board ("Board") has an oversight role in monitoring and ensuring progress towards the goals of the Salton Sea Management Program and has set a deadline of December 31, 2022 for the completion of a long-term plan regarding the Salton Sea; and

**WHEREAS**, the Salton Sea Restoration Act (known as the California Fish and Game Code 2931) was approved on September 29, 2003; and

**WHEREAS**, the objectives of CHAPTER 13. Salton Sea Restoration Act, provision 2931, provide:

- (a) It is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem.
- (b) This restoration shall be based on the preferred alternative developed as a result of the restoration study and alternative selection process described in Section 2081.7 and using the funds made available in accordance with that section to be deposited in the Salton Sea Restoration Fund and other funds made available by the Legislature and the federal government.
- (c) The preferred alternative shall provide the maximum feasible attainment of the following objectives:
  - (1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea.
  - (2) Elimination of air quality impacts from the restoration projects.
  - (3) Protection of water quality.
- (d) For the purpose of the restoration plan, the Salton Sea ecosystem shall include, but is not limited to, the Salton Sea, the agricultural lands surrounding the Salton Sea, and the

tributaries and drains within the Imperial and Coachella Valleys that deliver water to the Salton Sea.

**WHEREAS**, on January 22, 2020, the City Council of the City of Coachella passed Resolution No. 2020-05 that read, in part:

“Section 2. The City is supportive of a comprehensive analysis of ocean water import as a long-term solution for the restoration of the Salton Sea and respectfully requests that analysis of ocean water import be incorporated into the Salton Sea Management Program.

“Section 3. The City requests that the agencies and stakeholders begin the analysis of ocean water import as soon as possible so it can be completed by the deadline of December 31, 2022 as set forth by the Board for a long-term plan regarding the Salton Sea.”

**WHEREAS**, the Salton Sea Management Program (“SSMP”) has not responded to, or taken constructive action on the resolutions of the nine Coachella Valley cities and Torres Martinez Tribe.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY FIND, RESOLVE AND ORDER AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are incorporated herein.

**Section 2.** The City is supportive of selecting a representative to attend the SSMP Engagement Committee meetings.

**Section 3.** The City is supportive of the Salton Sea Management Program to allocate two million dollars of the \$507.5 million unused and available funding for restoring the Salton Sea for an immediate comparative engineering review of the ocean water import proposals accepted by the State of California in 2018.

**Section 4.** This Resolution shall become effective immediately upon its adoption.

**Section 5.** The City Clerk shall certify to the adoption of this resolution.

**PASSED, APPROVED and ADOPTED** this 7<sup>th</sup> day of August 2020.

---

Steven A. Hernandez  
Mayor

**ATTEST:**

---

Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

---

Carlos Campos  
City Attorney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2020-48 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on the 7<sup>th</sup> day of August 2020, by the following vote of Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Andrea J. Carranza, MMC  
Deputy City Clerk