



**TOWN OF LOS GATOS  
SPECIAL MEETING OF THE TOWN COUNCIL AGENDA  
MARCH 24, 2020  
110 EAST MAIN STREET  
LOS GATOS, CA**

*Marcia Jensen, Mayor  
Barbara Spector, Vice Mayor  
Rob Rennie, Council Member  
Marico Sayoc, Council Member  
Vacant, Council Member*

**PARTICIPATION IN THE PUBLIC PROCESS**

**How to participate:** The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item on the agenda, please complete a “speaker’s card” located on the back of the chamber benches and return it to the Town Council. If you wish to speak to an item NOT on the agenda, you may do so during the “Verbal Communications” period. The time allocated to speakers may change to better facilitate the Town Council meeting.

**Effective Proceedings:** The purpose of the Town Council meeting is to conduct the business of the community in an effective and efficient manner. For the benefit of the community, the Town of Los Gatos asks that you follow the Town’s meeting guidelines while attending Town Council meetings and treat everyone with respect and dignity. This is done by following meeting guidelines set forth in State law and in the Town Code. Disruptive conduct is not tolerated, including but not limited to: addressing the Town Council without first being recognized; interrupting speakers, Town Council or Town staff; continuing to speak after the allotted time has expired; failing to relinquish the podium when directed to do so; and repetitiously addressing the same subject.

**Deadlines for Public Comment and Presentations are as follows:**

- Persons wishing to make an audio/visual presentation on any agenda item must submit the presentation electronically, either in person or via email, to the Clerk’s Office no later than 3:00 p.m. on the day of the Council meeting.
- Persons wishing to submit written comments to be included in the materials provided to Town Council must provide the comments as follows:
  - For inclusion in the regular packet: by 11:00 a.m. the Thursday before the Council meeting
  - For inclusion in any Addendum: by 11:00 a.m. the Monday before the Council meeting
  - For inclusion in any Desk Item: by 11:00 a.m. on the day of the Council Meeting

***Town Council Meetings Broadcast Live on KCAT, Channel 15 (on Comcast) on the 1st and 3rd Tuesdays at 7:00 p.m.  
Rebroadcast of Town Council Meetings on the 2<sup>nd</sup> and 4<sup>th</sup> Mondays at 7:00 p.m.  
Live & Archived Council Meetings can be viewed by going to:  
[www.losgatosca.gov/Councilvideos](http://www.losgatosca.gov/Councilvideos)***

***IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, PLEASE CONTACT THE CLERK DEPARTMENT AT (408) 354-6834. NOTIFICATION 48 HOURS BEFORE THE MEETING WILL ENABLE THE TOWN TO MAKE REASONABLE ARRANGEMENTS TO ENSURE ACCESSIBILITY TO THIS MEETING [28 CFR §35.102-35.104]***

**TOWN OF LOS GATOS**  
**SPECIAL MEETING OF THE TOWN COUNCIL AGENDA**  
**MARCH 24, 2020**  
**7:00 PM**

Per Governor Newsom's Executive Order N-20-20 and the Santa Clara County Health Department Order Directing All Individuals Living in the County to Shelter at Their Place of Residence, the Governor has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body to avoid public gatherings, and has suspended all contrary provisions of the Brown Act.

**THIS MEETING WILL BE VIA TELECONFERENCE ONLY** and can be heard and watched in real-time at:

<https://meetings.municode.com/PublishPage/index?cid=LOSGATOS&ppid=4bc370fb-3064-458e-a11a-78e0c0e5d161&p=0>.

The public can email comments on the agenda item to [PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov) no later than 6:00 p.m. the day of the meeting.

**REMOTE LOCATION PARTICIPANTS**

VICE MAYOR BARBARA SPECTOR, COUNCIL MEMBER ROB RENNIE, COUNCIL MEMBER MARICO SAYOC

*All votes during the teleconferencing session will be conducted by roll call vote*

**MEETING CALLED TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CLOSED SESSION REPORT**

**PUBLIC HEARING**

1. Adopt an Interim Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) and Suspending All Deadlines Related to Land Use Entitlements.

**PUBLIC COMMUNICATION ON AGENDA ITEM**

Persons wishing to comment on the item appearing on the agenda must submit comments by email at [PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov). The Town has established a temporary email address that citizens can use to email comments on the agenda item listed above: [PublicComments@losgatosca.gov](mailto:PublicComments@losgatosca.gov). Any public comments must be received by 6:00 p.m.

**ADJOURNMENT** *(Council policy is to adjourn no later than midnight unless a majority of Council votes for an extension of time)*

***Writings related to an item on the Town Council meeting agenda distributed to members of the Council within 72 hours of the meeting are available for public inspection at the front desk of the Los Gatos Town Library, located at 100 Villa Avenue, and are also available for review on the official Town of Los Gatos website. Copies of desk items distributed to members of the Council at the meeting are available for review in the Town Council Chambers.***

***Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure §1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.***



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 03/24/2020

ITEM NO: 1

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DATE: March 20, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Adopt an Interim Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) and Suspending All Deadlines Related to Land Use Entitlements

**RECOMMENDATION:**

Adopt an Interim Urgency Ordinance enacting a temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the novel coronavirus (COVID-19) and suspending all deadlines related to land use entitlements.

**DISCUSSION:**

On March 16, 2020, the Health Officer of Santa Clara County issued an Order directing all individuals living in the County to shelter at their place of residence beginning March 17, 2020. Per the County Health Officer, the Order is to ensure that the maximum number of people self-isolate in their places of residence in order to slow the spread of the COVID-19 coronavirus. In addition, the Order identified many business types as non-essential services requiring their closure through April 7, 2020. The result of these public health efforts is the significant displacement of many workers from their places of employment and access to income.

On March 17, 2020, the Town Council of the Town of Los Gatos ratified and continued a Proclamation of Local Emergency due to the increasing spread of the COVID-19 coronavirus in Santa Clara County. Among other things, a Proclamation of Local Emergency allows jurisdictions to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

**PREPARED BY:** Arn Andrews  
Assistant Town Manager

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Reviewed by: Town Manager and Town Attorney

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DISCUSSION (continued):

In order to maintain the integrity of the Health Officer's Order, every effort must be taken to ensure that residents are able to self-isolate. As such evictions directly related to the consequences of COVID-19 mitigation measures would run contrary to the Health Officer's Order to shelter in place.

In addition, with the closure of Town Hall to implement the shelter in place directive, non-essential Town services have been significantly reduced and/or suspended. For example, the Town has not been able to accept any new land use or development applications or issue building permits. For this reason, the proposed Urgency Ordinance also includes a temporary suspension of all deadlines related to land use entitlements.

CONCLUSION:

Pursuant to the Town of Los Gatos Municipal Code, California Government Code, Governor of California, and Santa Clara County Public Health Officer, a temporary moratorium on evictions related to income loss due to COVID-19 mitigation measures will ensure that individuals can continue to self-isolate.

COORDINATION:

This staff report was coordinated with the Town Manager and Town Attorney.

FISCAL IMPACT:

No impact

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Draft Interim Urgency Ordinance

## **ORDINANCE -**

### **AN INTERM URGENCY ORDINANCE OF THE TOWN OF LOS GATOS ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NONPAYMENT OF RENT FOR RESIDENTIAL TENANTS WHERE THE FAILURE TO PAY RENT RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19) AND SUSPENDING ALL DEADLINES RELATED TO LAND USE ENTITLEMENTS**

**WHEREAS**, pursuant to the Town's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the Town Council has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the Town and its residents; and

**WHEREAS**, pursuant to California Government Code Section 8680.9, a local emergency is a condition of extreme peril to persons or property proclaimed as such by the governing body of the local agency affected by a natural or manmade disaster; and

**WHEREAS**, California Government Code Section 8634 states that "During a local emergency the governing body of a political subdivision, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life and property..."; and

**WHEREAS**, the purpose of a local emergency proclamation is to provide extraordinary powers to issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, obtain vital supplies, and require emergency services of employees; and

**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 January 30, 2020, the World Health Organization declared the Covid-19 outbreak a Public Health Emergency of International Concern; and

**WHEREAS**, on January 30, 2020, the United States Secretary of Health and Human Services declared a Public Health Emergency; and

**WHEREAS**, on January 31, 2020, the first case of COVID-19 was confirmed in Santa Clara County ("County"); and

**WHEREAS**, on February 10, 2020, the Santa Clara County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; 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 11, 2020, the World Health Organization declared COVID-19 an International Pandemic; and

**WHEREAS**, on March 12, 2020, the Town Manager of Los Gatos acting in the capacity of Director of Emergency Services issued a Proclamation of Local Emergency; 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 14, 2020, the Town Library was closed to minimize the congregation of individuals consistent with Santa Clara County Public Health directives prohibiting more than 100 people to gather; and

**WHEREAS**, on March 16, 2020, the Santa Clara County Department of Public Health directed all individuals in the County to Shelter in Place and mandated requirements, including but not limited to, social distancing, staying home if sick, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, at the end of the business day on March 16, 2020, the Town closed its offices to the public pursuant to the Shelter in Place Order and suspended the ability to process planning and building applications, planning and building submittals, resubmittals, and issuance of permits; and

**WHEREAS**, on March 16, 2020 the Governor of the State of California issued an executive order that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19; and

**WHEREAS**, on March 17, 2020, the Town Council of the Town of Los Gatos ratified the Proclamation of Local Emergency; and

**WHEREAS**, on March 18, the President of the United States of America announced a moratorium on evictions of single-family homeowners with federally backed mortgages, but the moratorium does not apply to the vast majority of renters; 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**, as a result of the public health emergency and the precautions recommended by health authorities, many tenants in Los Gatos have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, further economic impacts are anticipated, leaving tenants vulnerable to eviction; and

**WHEREAS**, 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 Town's affordable housing stock, and to prevent housed individuals from falling into homelessness; and

**WHEREAS**, loss of income as a result of COVID-19 may inhibit Los Gatos residents from fulfilling their financial obligations; and

**WHEREAS**, the Town Council does hereby find that the above described conditions warrant on an urgency basis a temporary moratorium on evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the Novel Coronavirus (COVID-19); and

**WHEREAS**, the Town Council does hereby find that the above described conditions and the closing of Town office warrant suspending all established planning and building deadlines that authorize automatic approvals or denials for the duration of the ordinance; and

**WHEREAS**, this interim urgency ordinance is adopted in accordance with the requirements of Government Code Section 65858; and

**WHEREAS**, this interim urgency ordinance is temporary and not a general ordinance in force required to be codified but rather intended to enhance stability and public health in the Town during the COVID-19 pandemic outbreak.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOSGATOS DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are incorporated herein and are each relied upon independently by the Town Council for its adoption of this urgency interim ordinance.

**SECTION 2.** The intent of the Santa Clara County Health Department Shelter in Place Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible.

**SECTION 3.** For a period of forty five (45) days, commencing on the date of the adoption of this urgency interim ordinance, or until such time as this urgency interim ordinance may expire

subject to any extension of this urgency interim ordinance that the Town Council may adopt and approve pursuant to Government Code section 65858, no evictions due to nonpayment of rent for residential tenants where the failure to pay rent results from income loss resulting from the Novel Coronavirus (COVID-19) shall occur.

**SECTION 4.** 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 provides documentation to support the claim. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

**SECTION 5.** 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. A landlord may not charge or collect a 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.

**SECTION 6.** This ordinance shall not be read in any way to (a) adversely affect and/or abrogate the rights of tenants under Chapter 14.80 of the Los Gatos Town; and/or (b) prohibit any terminations of tenancy for just cause, or other terminations of tenancy where this ordinance does not apply.

**SECTION 7.** As applied to notices of termination issued prior to the effective date of this ordinance, this ordinance shall apply to tenancies where, as of the effective date of this ordinance, said tenant remains in possession and/or any eviction lawsuit has not reached a final judgment or issuance of a final order, after all appeals have been exhausted.

**SECTION 8.** This ordinance may be asserted as an affirmative defense in an unlawful detainer action. Any failure to comply with this ordinance does not constitute a criminal offense.

**SECTION 9.** All provisions of laws, ordinances, regulations, resolutions, rules and statutes, including but not limited to, provisions contained in the California Permit Streamlining Act, the California Environmental Quality Act, the California Subdivision Map Act, the Housing Accountability Act, SB 35, Town Subdivision Regulations, Town Zoning Regulations and Town Application policies and procedures, establishing review deadlines and authorizing automatic approvals, are suspended for the duration of the ordinance.

**SECTION 10.** This Interim Urgency Ordinance is enacted pursuant to the authority conferred upon the Town Council of the Town of Los Gatos by Government Code Sections 65858, 36934 and 36937, and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the Town Council as if and to the same extent that such Ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

**SECTION 11.** In adopting this Interim Urgency Ordinance, the Town Council finds and determines that each of the recitals contained in this Ordinance are true and correct, and that the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health and welfare, as those terms are defined in Government Code Section 65858(a).

**SECTION 12.** The approval of this ordinance is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). This ordinance imposes a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378( b)( 4), the ordinance is not a "project" within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have either such effect, the Town would undertake the required CEQA review for that project. Therefore, pursuant to CEQA Guidelines section 15060, CEQA analysis is not required.

**SECTION 13.** This interim urgency ordinance shall be of no further force or effect forty-five (45) days from and after the date of its adoption, unless the same is extended pursuant to the authority conferred upon the Town Council by Government Code Section 65858(a).

**SECTION 14.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 24<sup>th</sup> day of March 2020, by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_



**TOWN OF LOS GATOS  
COUNCIL AGENDA REPORT**

MEETING DATE: 03/24/2020

ITEM NO: 1

DESK ITEM

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DATE: March 24, 2020  
TO: Mayor and Town Council  
FROM: Laurel Prevetti, Town Manager  
SUBJECT: Adopt an Interim Urgency Ordinance Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential Tenants where the Failure to Pay Rent Results from Income Loss Resulting from the Novel Coronavirus (COVID-19) and Suspending All Deadlines Related to Land Use Entitlements

**REMARKS:**

Attachment 2 contains public comment received from 11:01 a.m. Thursday, March 19 and 11:00 a.m. Tuesday, March 24, 2020.

**Attachment Previously Received with the Staff Report:**

1. Draft Interim Urgency Ordinance

**Attachment Received with Desk Item:**

2. Public Comment Received from 11:01 a.m. March 19 and 11:00 a.m. March 24, 2020

**PREPARED BY:** Arn Andrews  
Assistant Town Manager

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Reviewed by: Town Manager and Town Attorney

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-----Original Message-----

From: Rebecca O'Connor <[beckyoconn@gmail.com](mailto:beckyoconn@gmail.com)>

Sent: Sunday, March 22, 2020 10:27 AM

To: PublicComment <[PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov)>

Subject: In favor of the Ordinance Enacting a Temporary Moratorium on Evictions

Thank you for your proactive agenda item to protect persons from eviction. Many residents will be losing their jobs in the coming months. As a public school teacher for San Jose Unified School district, I have been ensured that I will be paid for the remainder of the year, but there is uncertainty for what will happen to public education in the fall. I am very hopeful, that public school teachers will not be laid off, but of course it is a concern. I am a resident of the Mira Loma Apartments in Los Gatos and have a month to month lease. I am very happy here and want to stay. If I am laid off, it would take me time to move and most likely would have to move away from California.

Again, thank you for being a council that cares for all Los Gatos residents and please vote in favor of this ordinance.

Sincerely,

Rebecca A. O'Connor

From: k m <[kjirstecm@gmail.com](mailto:kjirstecm@gmail.com)>

Sent: Monday, March 23, 2020 1:51 PM

To: PublicComment <[PublicComment@losgatosca.gov](mailto:PublicComment@losgatosca.gov)>

Subject: Comment on Temporary Moratorium on Evictions related to Covid-19

Dear Members of the Town Council,

I would like to express my support for the Interim Urgency Ordinance that would place a temporary moratorium on residential evictions in Los Gatos. Thank you for considering the difficulty people living in our town might have due to lost income during this stressful time.

Best,

Kjirste Morrell

172 Clover Way

ATTACHMENT 2