

**DIRECTOR OF EMERGENCY SERVICES
EXECUTIVE ORDER NO. 2020-05**

WHEREAS, in December 2019, a novel coronavirus known as SARS-CoV-2 was first detected in Wuhan, Hubei Province, People's Republic of China, causing outbreaks of the coronavirus disease COVID-19 that has now spread globally; and

WHEREAS, on January 31, 2020, the United States Secretary of Health and Human Services declared a public health emergency in response to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency to exist in California as a result of COVID-19; and

WHEREAS, on March 4, 2020, the Chair of the Los Angeles County Board of Supervisors and the Los Angeles County Health Officer declared a local emergency and a local health emergency, respectively, as a result of COVID-19; and

WHEREAS, on March 12, 2020, Governor Gavin Newsom signed Executive Order N-25-20 giving state and local public health officials the authority to issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences or other mass events; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency as a result of COVID-19; and

WHEREAS, on March 19, 2020, the Los Angeles County Health Officer issued, then on March 21, 2020 strengthened, a Safer at Home Order for Control of COVID-19, which limits public and private gatherings and closes certain non-essential businesses; and

WHEREAS, on March 19, 2020, Governor Newsom signed Executive Order N-33-20, limiting public and private gatherings and closing certain non-essential businesses;

WHEREAS, Calabasas Municipal Code section 2.44.060 empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when the City is affected or likely to be affected by a public calamity and the City Council is not in session; and

WHEREAS, the City Manager, acting as the Director of Emergency Services, did proclaim the existence of a local emergency within the City on the 16th day of March 2020; and

WHEREAS, the City Council ratified the City Manager's proclamation on March 16, 2020, and further ratified the City Manager's Executive Orders responding to the local emergency issued to date on March 25, 2020; and

WHEREAS, Government Code section 8634 states, "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, including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice."

WHEREAS, Penal Code Section 396 controls price increases for rental housing, goods and services related to emergency response and recovery for an initial period of thirty (30) days after declaration of an emergency, and generally prohibits charging a price that exceeds by more than ten percent (10%) the price of the rental unit, good or service before the declaration of the emergency; and

WHEREAS, Penal Code Section 396, subdivision (k) allows for a city to prohibit the same or similar conduct or impose a more severe penalty for the conduct prohibited by Penal Code Section 396;

NOW, THEREFORE, I, Gary J. Lysik, City Manager of the City of Calabasas, as Director of Emergency Services, in accordance with the authority vested in me by Government Code section 8634, Calabasas Municipal Code section 2.44.060, and City Council Resolution No. 2020-1672 do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All provisions of Calabasas Municipal Code Chapter 8.17, an Ordinance to Regulate the Use of Plastic Carryout Bags and Recyclable Paper Bags and Promote the Use of Reusable Bags, are hereby suspended for the duration of the declared local emergency.
2. All parks, trails, and trailheads within the City's borders are hereby closed to the public for the duration of the declared local emergency.
3. It shall be unlawful for any person, business or other entity during the emergency declaration period to rent, lease or offer to rent or lease, or increase the rental price, to any existing or prospective tenant for any housing unit, of any kind, within the City of Calabasas, for a price of more than 10 percent above the previously charged or advertised price for that housing unit immediately prior to the occurrence of the declared local emergency, unless that person, business or entity can prove that the increase in

price is directly attributable to additional costs for repairs or additions beyond normal maintenance that were amortized over the rental term that cause the rent to be increased greater than 10 percent, or the increase was contractually agreed to by the tenant before the state of emergency was declared, in which case, the price shall not be more than 10 percent above the total cost of providing that rental unit.

4. It shall be unlawful for any person, business or other entity during the emergency declaration period to rent, lease or offer to rent or lease, or increase the rental price, to any existing or prospective tenant for any mobile housing unit or mobile home park space, of any kind, within the City of Calabasas, for a price of more than 10 percent above the previously charged or advertised price for that housing unit immediately prior to the occurrence of the declared local emergency when rented to a new tenant of any mobile housing unit or mobile home park space.

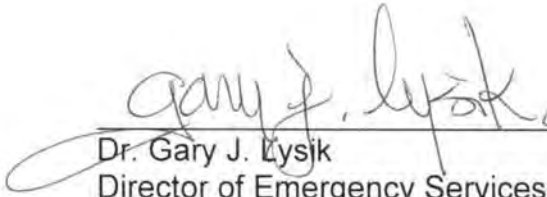
5. It shall be unlawful for any person, contractor, business, or other entity during the emergency declaration period to sell or offer to sell any consumer food items or goods, goods or services used for emergency supplies, medical supplies, home heating oil, building materials, housing, transportation, freight, and storage services, or gasoline or other motor fuels, in the City of Calabasas, for a price of more than 10 percent above the price charged by that person for those goods or services immediately prior to the occurrence of the declared local emergency. However, a greater price increase is not unlawful if that person can prove that the increase in price was directly attributable to additional costs imposed on it by the supplier of the goods, or directly attributable to additional costs for labor or materials used to provide the services, provided that in those situations where the increase in price is attributable to additional costs imposed by the seller's supplier or additional costs of providing the good or service during the state of emergency, the price represents no more than 10 percent above the total of the cost to the seller plus the markup customarily applied by the seller for that good or service in the usual course of business immediately prior to the onset of the state of emergency.

6. Failure to comply with this Order shall constitute a misdemeanor subject to fines and imprisonment as provided for by applicable law, including Calabasas Municipal Code section 2.44.100. I hereby urge the Los Angeles County Sheriff's Department and the City Attorney to vigorously enforce this Order pursuant to law.

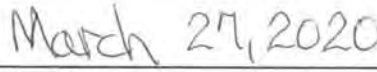
7. This Order shall be filed in the office of the City Clerk, posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market, at Calabasas City Hall, and published in a local newspaper.

8. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

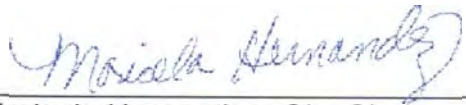
SO ORDERED.



Dr. Gary J. Lysjk
Director of Emergency Services
City of Calabasas

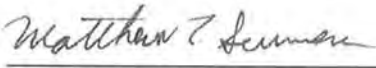


Date signed



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:



Matthew T. Summers
Colantuono, Highsmith & Whatley, PC
Assistant City Attorney