

**CITY OF WEST COVINA****CITY COUNCIL/SUCCESSOR AGENCY**

MAY 19, 2020, 7:00 PM  
SPECIAL MEETING

CITY HALL COUNCIL CHAMBERS  
1444 W. GARVEY AVENUE SOUTH  
WEST COVINA, CALIFORNIA 91790

**Mayor Tony Wu**  
**Mayor Pro Tem Letty Lopez-Viado**  
**Councilman Dario Castellanos**  
**Councilman Lloyd Johnson**  
**Councilmember Jessica C. Shewmaker**

IN ORDER TO REDUCE THE SPREAD OF THE COVID-19 VIRUS, GOVERNOR NEWSOM HAS ISSUED EXECUTIVE ORDERS THAT TEMPORARILY SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT AND ALLOW COUNCIL MEMBERS TO ATTEND CITY COUNCIL MEETINGS TELEPHONICALLY. PURSUANT TO THE GOVERNOR'S EXECUTIVE ORDERS AND DUE TO CONCERNS OVER COVID-19, THE CITY COUNCIL MEETING WILL BE CONDUCTED ENTIRELY TELEPHONICALLY.

Public Participation: In accordance with Executive Order N-29-20 and guidance from the California Department of Public Health on gatherings, City Council Chambers will remain closed to the public. Members of the public may participate remotely in the following ways:

Public comments will be accepted via e-mail to the City Clerk at [City\\_Clerk@westcovina.org](mailto:City_Clerk@westcovina.org). The subject line should specify "Public Comment – 5/19/2020". Please include your full name and address in your e-mail. The City Clerk will read emails received by 6:30 P.M. the day of the Council meeting out loud into the public record.

If you wish to address the Council by telephone during public comment or a public hearing, you may contact the City Clerk by email [City\\_Clerk@westcovina.org](mailto:City_Clerk@westcovina.org) or by telephone (626) 939-8433 by 6:30 P.M. on the day of the Council meeting, to advise the City Clerk that you would like to address the Council during public comment or a public hearing.

Members of the public may watch City Council meetings live through the West Covina City YouTube channel at [www.westcovina.org/LIVE](http://www.westcovina.org/LIVE). Council meeting videos are also posted to the City's Video Archive on <https://www.westcovina.org/departments/city-clerk/agendas-and-meetings/current-meetings-and-agendas>.

***AMERICANS WITH DISABILITIES ACT***

The City complies with the Americans with Disabilities Act (ADA). If you will need special assistance at Council meetings, please call (626) 939-8433 (voice) or (626) 960-4422 (TTY) from 8 to 5 Monday through Thursday. Do call at least one day prior to the meeting date to inform us of your particular needs and to determine if accommodation is possible. For sign language interpreter services at Council meetings, please request no less than four working days prior to the meeting.

### ***AGENDA MATERIAL***

Agenda material is available for review at the City Clerk's Office, Room 317 in City Hall, 1444 W. Garvey Avenue South, West Covina and at [www.westcovina.org](http://www.westcovina.org). Any writings or documents regarding any item on this agenda, not exempt from public disclosure, provided to a majority of the City Council that is distributed less than 72 hours before the meeting, will be made available for public inspection in the City Clerk's Office, Room 317 of City Hall located at 1444 W. Garvey Avenue South, West Covina, during normal business hours.

### ***NOTICE***

The City Council will regularly convene on the first and third Tuesday of the month. The West Covina Community Development Commission, West Covina Public Financing Authority and the West Covina Community Services Foundation are agencies on which the City Council serves as members. Agendas may contain items for these boards, as necessary.

**PUBLIC COMMENTS**  
**ADDRESSING THE CITY COUNCIL**  
***(Per WCMC 2-48, Ordinance No. 2150)***

Any person wishing to address the City Council on any matter listed on the agenda or on any other matter within their jurisdiction should complete a speaker card that is provided at the entrance to the Council Chambers and submit the card to the City Clerk.

*Please identify on the speaker card whether you are speaking on an agenda item or non-agenda. Requests to speak on agenda items will be heard prior to requests to speak on non-agenda items. All comments are limited to five (5) minutes per speaker.*

Oral Communications may be limited to thirty (30) minutes, unless speakers addressing agenda items have not concluded.

Any testimony or comments regarding a matter set for a Public Hearing will be heard during the hearing.

### ***RULES OF DECORUM***

Excerpts from the West Covina Municipal Code and Penal Code pertaining to the Rules of Decorum will be found at the end of agenda.

## **AGENDA**

### **CITY OF WEST COVINA CITY COUNCIL/SUCCESSOR AGENCY**

**TUESDAY MAY 19, 2020, 7:00 PM  
SPECIAL MEETING**

### **PLEDGE OF ALLEGIANCE**

Led by Mayor Pro Tem Lopez-Viado

### **ROLL CALL**

### **PUBLIC COMMENTS ON ITEMS ON THE AGENDA**

- 1) DISCUSSION OF POTENTIAL BUDGET IMPACTS ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19) AND CONSIDERATION OF A DECLARATION OF A FISCAL EMERGENCY**

That the City Council adopt the following resolution:

# RESOLUTION NO. 2020-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING A FISCAL EMERGENCY

## ADJOURNMENT

### **RULES OF DECORUM**

*The following are excerpts from the West Covina Municipal Code:*

Sec. 2-48. Manner of addressing council; time limit; persons addressing may be sworn.

- a. Each person addressing the council shall step up to the rostrum, shall give his or her name and city of residence in an audible tone of voice for the record and unless further time is granted by the council, shall limit his or her address to five (5) minutes.
- b. The city council may establish a limit on the duration of oral communications.
- c. All remarks shall be addressed to the council as a body and not to any member thereof. No person, other than the council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. No question shall be asked of a councilmember except through the presiding officer.
- d. The presiding officer may require any person to be sworn as a witness before addressing the council on any subject. Any such person who, having taken an oath that he or she will testify truthfully, willfully and contrary to such oath states as true any material matter which he knows to be false may be held to answer criminally and subject to the penalty prescribed for perjury by the provisions of the Penal Code of the state.

Sec. 2-50. Decorum--Required.

- a. While the council is in session, the members shall preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or disrupt the proceedings or the peace of the council nor interrupt any member while speaking or refuse to obey the orders of the council or its presiding officer, except as otherwise herein provided.
- b. Members of the public shall not willfully disrupt the meeting or act in a manner that actually impairs the orderly conduct of the meeting. For the purposes of this code, "willfully disrupt" includes, but is not limited to, continuing to do any of the following after being warned by the Mayor that continuing to do so will be a violation of the law:
  - a. Addressing the Mayor and City Council without first being recognized.
  - b. Persisting in addressing a subject or subjects, other than that before the Mayor and City Council.
  - c. Repetitiously addressing the same subject.
  - d. Failing to relinquish the podium when directed to do so.
  - e. From the audience, interrupting or attempting to interrupt, a speaker, the Mayor, a council member, or a staff member or shouting or attempting to shout over a speaker, the Mayor, a council member or a staff member.
  - f. As a speaker, interrupting or attempting to interrupt the Mayor, a council member, or a staff member, or shouting over or attempting to shout over the Mayor, a council member, or a staff member. Nothing in this section or any rules of the council shall be construed to prohibit public criticism of the policies, procedures, programs, or services of the City or of the acts or omissions of the City Council. It shall be unlawful to violate the provisions of this Section.

If any subsection, sentence, clause, or phrase or word of this Section 2-50 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more subsections, sentences, clauses, phrases or words had been declared invalid or unconstitutional.

#### **Sec. 2-52. Persons authorized to be within council area.**

No person, except city officials, their representatives and members of the news media shall be permitted within the rail in front of the council chamber without the express consent of the council.

*The following are excerpts from the Penal Code*

148(a) (1) Every Person who willfully resists, delays, or obstructs any public officer, peace officer, or an emergency medical technician, as defined in Division 2.5 (commencing with Section 1797) of the Health and Safety code, in the discharge or attempt to discharge any duty of his or her office or employment, when no other punishment is prescribed, shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in a county jail not to exceed one year, or by both that fine and imprisonment.

403 Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its

character, other than an assembly or meeting referred to in Section 303 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.



# AGENDA STAFF REPORT

City of West Covina | Office of the City Manager

**DATE:** 05/19/2020

**TO:** Mayor and City Council

**FROM:** David Carmany  
City Manager

**SUBJECT: DISCUSSION OF POTENTIAL BUDGET IMPACTS ASSOCIATED WITH THE NOVEL CORONAVIRUS (COVID-19) AND CONSIDERATION OF A DECLARATION OF A FISCAL EMERGENCY**

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## RECOMMENDATION:

That the City Council adopt the following resolution:

RESOLUTION NO. 2020-46 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DECLARING A FISCAL EMERGENCY

## BACKGROUND:

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of critical infrastructure sectors, effective March 19, 2020, and in effect indefinitely until rescinded by the Governor. This Emergency has required the temporary closure of all non-essential businesses in the City and cancellation of all events. West Covina has 3,278 licensed businesses, many of which have been closed since mid-March. This Emergency has drastic financial implications for the City's operating budget that relies on sales tax, property tax and transient occupancy tax (TOT) revenue generated by the City's various retail businesses, restaurants, and hotels.

The City's top three sources of General Fund revenues as projected in the current 2019/20 fiscal year budget are identified as follows:

Source	Revenue
Property Taxes	\$26,680,000
Sales Tax	\$16,900,000
TOT	\$1,855,000
Total	\$45,435,000

The reductions in revenue are impacting all levels of government - Federal, State, County and City. On May 15, 2020, the County Auditor-Controller's Office notified the City of West Covina that property tax remittance due June 1, 2020, would be reduced by an undetermined amount. That same day the Successor Agency, which oversees the wind down of the former redevelopment, was also notified that RPTTF (Redevelopment Property

Tax Transfer Fund) payments would be reduced. Delayed remittances along with reduced sources of other revenues is impacting the City.

**DISCUSSION:**

Over the past year the City Council has taken steps to reduce expenditures by contracting building and safety services and public works functions. More recently, the City Manager has implemented a hiring freeze and frozen all purchases not related to public safety. These steps have helped but the City has experienced a five-year downward trend in unassigned fund balance, which are monies that are unencumbered. To proactively address this issue it has become necessary for the City to declare a fiscal emergency and to empower the City Manager to take all necessary to meet with labor groups and outside vendors to address the matter.

**OPTIONS:**

The City Council has the following options:

1. Adopt a resolution declaring a fiscal emergency.
2. Provide staff alternative direction.

**Prepared by:** Mark Persico, Assistant City Manager

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**Attachments**

Attachment No. 1 - Declaration of Fiscal Emergency

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**CITY COUNCIL GOALS & OBJECTIVES:** Achieve Fiscal Sustainability and Financial Stability