

RESOLUTION NO. 2020-019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CUCAMONGA, CALIFORNIA, RATIFYING THE DIRECTOR OF EMERGENCY SERVICES' EXECUTIVE ORDER 2020-1 TO SUSPEND BUSINESS LICENSE PENALTIES AND ADMINISTRATIVE CITATIONS, AND MODIFY REFUND PROCEDURES FOR THE COMMUNITY SERVICES DEPARTMENT DURING THE LOCAL EMERGENCY CAUSED BY THE COVID-19 PANDEMIC

A. RECITALS:

1. 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").

2. 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.

3. 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.

4. On March 17, 2020, the Health Officer of the County of San Bernardino issued a public health order to prohibit all public and private gatherings and require the closure of all bars, adult entertainment establishments, and other business establishments that do not serve food, as well as movie theatres, gyms, and health clubs in response to help prevent the spread of COVID-19.

5. On March 18, 2020, the Rancho Cucamonga City Council adopted Resolution 2020-014, proclaiming the existence of a local emergency due to COVID-19 pursuant to Government Code Section 8630.

6. On March 19, 2020, the Governor issued Executive Order N-33-20 to implement directives developed by the State Public Health Officer that require all individuals living in the State of California to stay at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure and other essential sectors.

7. Based on the foregoing, the Centers for Disease Control and Prevention, the California Department of Public Health, and the San Bernardino County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus.

8. These public health recommendations and City orders impact daily life in the community as well as the livelihood and economic wellbeing of residents and businesses.

9. These orders have also resulted in the cancellation of various classes, activities, facility rentals, and theater programs offered by the City.

10. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of business license renewals and Fire District fees.

11. Pursuant to Chapter 2.36 of the Rancho Cucamonga Municipal Code, the City Manager is the Director of Emergency Services, and is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

12. On March 25, 2020, the City Manager, acting in his capacity as the Director of Emergency Services, adopted Executive Order 2020-1 to suspend business license penalties and administrative citations during the current local emergency caused by the COVID-19 pandemic. The Director determined that this action was in the interest of public health and safety.

13. All legal prerequisites to the adoption of this Resolution have occurred.

B. RESOLUTION:

NOW, THEREFORE, the City Council of the City of Rancho Cucamonga does hereby find and resolve as follows:

1. Findings:

a. The facts set forth in the Recitals, above, are true and correct.

b. The above described conditions warranted the Director of Emergency Services' actions to suspend business license penalties and administrative citations to counter the significant economic impacts of the public health orders currently affecting businesses within the City.

2. **Ratification of Executive Order:** Executive Order 2020-1 issued by the Director of Emergency Services on March 25, 2020, as attached hereto as Exhibit A, is hereby ratified and confirmed pursuant to Chapter 2.36 of the Rancho Cucamonga Municipal Code and Government Code Section 8634.

3. **Effective Date:** This Resolution shall take effect upon adoption.

4. **Certification:** The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 1st day of April, 2020.


L. Dennis Michael, Mayor

ATTEST:


for Janice C. Reynolds, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) **ss**
CITY OF RANCHO CUCAMONGA)

I, **Janice C. Reynolds**, City Clerk of the City of Rancho Cucamonga, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Rancho Cucamonga, at a Regular Meeting of said Council held on the 1st day of April 2020.

AYES: Hutchison, Kennedy, Michael, Scott, Spagnolo
NOES: None
ABSENT: None
ABSTAINED: None

Executed this 2nd day of April, 2020, at Rancho Cucamonga, California.

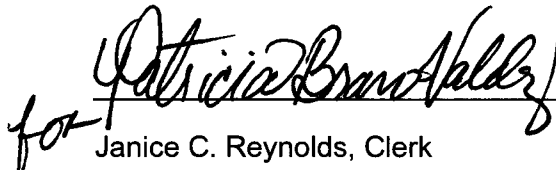
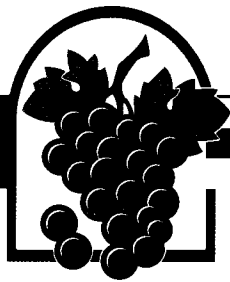

for Janice C. Reynolds, Clerk

EXHIBIT A
EXECUTIVE ORDER 2020-1



EXECUTIVE ORDER 2020-1 OF THE DIRECTOR OF EMERGENCY SERVICES

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

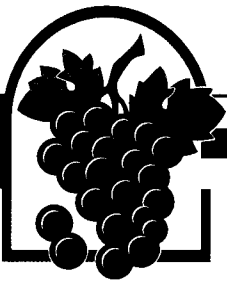
WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 17, 2020, the Health Officer of the County of San Bernardino issued a public health order to prohibit all public and private gatherings and require the closure of all bars, adult entertainment establishments, and other business establishments that do not serve food, as well as movie theatres, gyms, and health clubs in response to help prevent the spread of COVID-19; and

WHEREAS, on March 18, 2020, the Rancho Cucamonga City Council adopted Resolution 2020-014, proclaiming the existence of a local emergency due to COVID-19; and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20 to implement directives developed by the State Public Health Officer that require all individuals living in the State of California to stay at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure and other essential sectors; and

WHEREAS, based on the foregoing, the Centers for Disease Control and Prevention, the California Department of Public Health, and the San Bernardino County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus; and



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WHEREAS these public health recommendations and City orders impact daily life in the community as well as the livelihood and economic wellbeing of residents and businesses; and

WHEREAS these orders have resulted in the cancellation of various classes, activities, and theater programs offered by the City; and

WHEREAS loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of business license renewals and Fire District fees; and

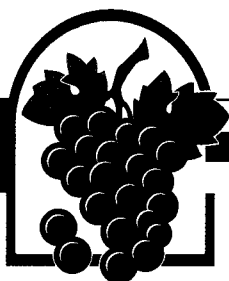
WHEREAS, pursuant to Chapter 2.36 of the Rancho Cucamonga Municipal Code, the City Manager is the Director of Emergency Services, and is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council; 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 my authority pursuant to Section 2.36.060 of the Rancho Cucamonga Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, John Gillison, the Director of Emergency Services for the City of Rancho Cucamonga, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council.

IT IS HEREBY ORDERED THAT:

1. Penalties for non-payment of business license renewals will not be imposed until 120 days after the applicable renewal date.
2. Administrative citations for delinquent business license renewals are suspended during the local emergency.
3. Re-inspection fees imposed by the Rancho Cucamonga Fire District ("Fire District") are suspended during the local emergency. Businesses are encouraged to make corrections in the interest of the safety of their business operations and re-inspections will continue in an effort to persuade compliance, but re-inspection fees will not be imposed; however, practices, processes, and equipment that are an imminent risk of creating a fire or jeopardizing life safety will be abated and discontinued in the interests of public safety.
4. Re-inspection fees previously imposed by the Fire District are hereby waived and an operating permit will issue to any business that has made all necessary corrections required by the Fire District as part of an inspection and the only condition to receiving an operating permit was the payment of re-inspection fees.



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5. For high-risk facilities as defined by the Fire District, formal, scheduled inspections are discontinued and instead Fire Prevention staff will complete welfare or safety checks during the local emergency. Prevention staff will continue to investigate and follow up on reports of violations of State and local fire and life safety codes that could create unnecessary risk to the well-being of residents and businesses.
6. Fire District false alarm fees are suspended during the local emergency.
7. A hardship program is established for Spring 2020 Weed Abatement by the Fire District during the local emergency. If a property owner requests to participate in the hardship program due to an inability to timely complete the required abatement, the Fire District will arrange for the work to be done, bill the property owner, but allow for a deferred payment. The Fire District is hereby directed to develop administrative guidelines to implement this hardship program.
8. All administrative fees for Fire District Weed Abatement are waived.
9. The Community Services Department is hereby directed to work with customers and issue hardship refunds net of the City's costs for processing fees incurred from third party vendors. The Community Services Department is also directed to develop administrative guidelines to implement this hardship program.
10. Unless otherwise stated herein, all fees or actions waived by this Executive Order shall be permanently waived. All fees or actions suspended by this Executive Order are suspended for the duration of the COVID-19 local emergency and shall be paid or completed within 120 days after the local emergency is concluded.
11. This Order shall take effect immediately and shall remain in effect until the local emergency declared by the City Council due to the COVID-19 pandemic is concluded, at which time it will automatically expire unless extended or expressly superseded by a duly enacted Resolution of the City Council or by a further Order by the Director of Emergency Services.

ADOPTED this 25th day of March 2020.

BY: 
JOHN GILLISON, DIRECTOR OF
EMERGENCY SERVICES

ATTEST:


Janice Reynolds, City Clerk

APPROVED AS TO FORM:


James Markman, City Attorney