

URGENCY ORDINANCE NO. 20-03

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR TO WAIVE ANY PENALTIES AND INTEREST FOR LATE PAYMENTS OF TRANSIENT OCCUPANCY TAX PAYMENTS RECEIVED FOR FEBRUARY, MARCH, APRIL AND MAY 2020 UNTIL AUGUST 31, 2020; FURTHER AUTHORIZE WAIVER OF INTEREST AND PENALTIES ON FAILURE TO PAY SEWER AND WATER USER FEES

WHEREAS, the federal Centers for Disease Control and Prevention (“CDC”) have confirmed thousands of cases of individuals who have severe respiratory illness caused by a novel coronavirus, called COVID-19, as well as deaths caused by this illness; and

WHEREAS, the World Health Organization declared COVID-19 a pandemic, and the CDC announced that community spread of COVID-19 is likely to occur in the United States; and

WHEREAS, the President of the United States has proclaimed a Declaration of a National Emergency and, on March 4, 2020, the Governor of the State of California has declared a State of Emergency for the State of California and issued Executive Orders and direction regarding measures to mitigate the spread of cases of COVID-19 within the State of California; and

WHEREAS, the increase of reported cases and deaths associated with COVID-19 also prompted the County of San Luis Obispo to declare a local public health emergency on March 13, 2020; and

WHEREAS, Section 5304 of the Grover Beach Municipal Code and the Emergency Service Act (Gov. Code §§ 8550 et seq.) empower the Director of Emergency Services (City Manager) to declare a local emergency when the City is affected by extreme peril to the safety of persons and property within the territorial limits of the city caused by such conditions as an epidemic, and the City Council ratified the Director’s emergency declaration at an emergency meeting on March 16, 2020 regarding the COVID-19 pandemic; and

WHEREAS, on March 18, 2020, the San Luis Obispo County Emergency Services Director further issued a Countywide Shelter at Home Order and Regulation No. 4 for the County of San Luis Obispo that took effect on Thursday, March 19, 2020 at 5:00 pm., and that was further amended and ratified by the County Health Officer on March 21, 2020 (“Order No. 4”); and

WHEREAS, on March 19, 2020, the Governor issued Executive Order N-33-20, including the Order of the State Public Health Officer mandating 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 the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>;

WHEREAS, therefore as a consequence of the above enumerated executive and health orders, lodging properties within the City are now experiencing reduced revenues due to decreased occupancy, and staff is requesting the City allow February 2020 through May 2020 TOT payments be deferred until after August 31, 2020; and

WHEREAS, it is in the City's best interest to continue to maintain essential services and work with its lodging businesses that have contributed to the City's financial well-being and will continue to support City's essential services; and

WHEREAS, this a temporary measure that will help the lodging properties get through this difficult time, while still being able to receive these payments during the same fiscal year; and

WHEREAS, the ability of members of the public to maintain the necessary sanitary conditions to assist in fighting COVID-19 will depend upon access to vital and important public utility services; and

WHEREAS, as a consequence of the extensive economic challenge to the community, it is in the City's best interest to work with members of the public to assist them during this time of unprecedented pandemic to maintain services necessary to continue normal and daily operations necessary to fight COVID-19.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GROVER BEACH DOES HEREBY ORDAIN AS FOLLOWS:

PART 1. Notwithstanding anything to the contrary in Chapter 6 of Article X, Transient Occupancy Tax, of the Grover Beach Municipal Code, the Administrative Services Director is authorized to waive penalties and interest for late Transient Occupancy Tax (TOT) revenues received as otherwise authorized by section 10607 of the Municipal code for February, March, April, and May 2020 transient occupancy lodging services as long as payment is received by August 31, 2020. If City does not receive remittance of all TOT payments due for February, March, April, and May 2020 by August 31, 2020, then City shall be entitled to full payment of all TOT payments due along with any pertinent interest or penalties that otherwise would have accrued from February, 2020 or from that time when interest payments would commence under section 10607.

PART 2. Notwithstanding anything to the contrary in Chapter 1 of Article VII, Public Works, or any other pertinent provision of the Grover Beach Municipal Code, or the Administrative Services Section of the Grover Beach Master Fee Schedule, the Administrative Services Director is authorized to waive any fees or penalties for late payment of sewer and water utility fees otherwise billable in February, March, April, or May of 2020, as long as payment is received by August 31, 2020. The Administrative Services Director is authorized herein to suspend termination of services for non-payment of sewer or water services up to August 31, 2020 which date shall be considered the due date for payment of fees for the months of February, March, April, or May, 2020. If City does not receive payment in full of all water or sewer fees due for February, March, April, and May 2020 by August 31, 2020, then City shall be entitled to full payment of all owed sewer and water fees along with any pertinent interest or penalties that otherwise would have accrued from February, 2020 or when late payments commenced as authorized by the Master Fee Schedule.

PART 3. 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 loss of commercial and private lodging establishments within the City. This ordinance would further promote the public peace, health and safety by allowing necessary and important public utilities like sewer and water services at a time when water and sewer are vital public services necessary for every residence or commercial building to assist the public in fighting the COVID-19 virus. Promoting stability amongst commercial and private lodging

facilities within the City and the assurance of vital public utilities is conducive to public health. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent and mortgages. 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.

PART 4. Under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), this ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, such as the adoption of the regulations contained herein, the activity is not subject to CEQA.

PART 5. This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state or federal law, including, without limitation, the Constitution of the State of California. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections, and clauses in regard to other contracts shall not be affected.

PART 6. 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 Urgency Ordinance.

PART 7. This ordinance shall become effective immediately upon passage and adoption hereof, as it is an urgency ordinance intended to immediately protect the public welfare, health and safety, and shall be approved by a minimum four-fifths vote of the Council.

The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted.

Before the expiration of fifteen (15) days after the passage of this Ordinance, it shall be published once, together with names of the Council Members voting thereon, in a newspaper of general circulation within the City.

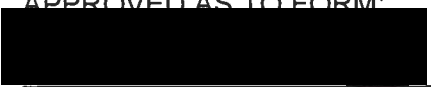
INTRODUCED at a Special meeting of the City Council held March 30, 2020 and **PASSED, APPROVED, and ADOPTED** by the City Council on March 30, 2020 on the following roll call vote, to wit:

AYES: Council Members – Lance, Nicolls, Shah, Mayor Pro Tem Bright and Mayor Lee
NOES: Council Members – None
ABSENT: Council Members – None
ABSTAIN: Council Members – None


JEFF LEE, MAYOR

ATTESTS:

WENDI SIMS, CITY CLERK

APPROVED AS TO FORM:

DAVID P. HALE, CITY ATTORNEY