



# CITY OF MORRO BAY CITY COUNCIL AGENDA

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*The City of Morro Bay provides essential public services and infrastructure to maintain a safe, clean and healthy place for residents and visitors to live, work and play.*

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## **NOTICE OF SPECIAL MEETING**

**Thursday, April 1, 2020 – 4:00 P.M.  
Veterans Memorial Hall  
209 Surf St., Morro Bay, CA**

### **ESTABLISH QUORUM AND CALL TO ORDER**

### **PUBLIC COMMENT FOR ITEMS ON THE AGENDA**

*Pursuant to Section 3 of Executive Order N-29-20, issued by Governor Newsom on March 17, 2020, this Special Meeting of the City Council will be conducted telephonically through Zoom and broadcast live on Cable Channel 20 and streamed on the City website (click [here](#) to view). Please be advised that pursuant to the Executive Order, and to ensure the health and safety of the public by limiting human contact that could spread the COVID-19 virus, the Council Chambers will not be open for the meeting.*

#### **Public Participation:**

*In order to prevent and mitigate the effects of the COVID-19 pandemic, and limit potential spread within the City of Morro Bay, in accordance with Executive Order N-29-20, the City will not make available a physical location from which members of the public may observe the meeting and offer public comment. Remote public participation is allowed in the following ways:*

- Community members are strongly encouraged to submit agenda correspondence in advance of the meeting and watch the meeting live on either cable Channel 20 or as streamed on the City's [website](#). Agenda correspondence received by the City Clerk's office prior to the meeting will be published on the City website with a final update one hour prior to the meeting start time. Agenda correspondence received less than an hour before the meeting start time may not be posted until after the meeting.*
- If you would like to speak on an agenda item, please use the following information to call in at the beginning of the meeting. You will be placed in a queue until the Mayor opens public comment for all items on the special meeting agenda. Each speaker will be allowed three minutes for public comment.*

*Public Comment call-in: 1(818) 794-7004*

*Show #2607*

*Guest PIN #464192*

SPECIAL MEETING AGENDA ITEMS:

- I. ADOPTION OF UNCODIFIED URGENCY ORDINANCE TO CONFIRM AND ADOPT CITY OF MORRO BAY REGULATION NO. 1 (COVID-19), AS PROMULGATED BY DIRECTOR OF EMERGENCY SERVICES ON MARCH 30, 2020, PURSUANT TO THE EXISTENCE OF A LOCAL STATE OF EMERGENCY, PROVIDING STATE AND COUNTY ORDERS, APPLICABLE WITHIN THE JURISDICTION OF THE CITY OF MORRO BAY, AND ISSUED IN RESPONSE TO COVID-19, BE EXPRESSLY ENFORCEABLE BY CITY AUTHORITIES THROUGH ALL ENFORCEMENT PROVISIONS WITHIN MORRO BAY MUNICIPAL CODE, AND SUBJECT TO ONE THOUSAND DOLLAR FINES; (CITY MANAGER/CITY ATTORNEY)

**RECOMMENDATION: Staff recommends the City Council adopt, by title only with further reading waived, uncodified Urgency Ordinance No. 631, to confirm and adopt Morro Bay Regulation No. 1 (COVID-19), as promulgated by Director of Emergency Services on March 30, 2020.**

- II. ADOPTION OF RESOLUTION TO DELAY TRANSIENT OCCUPANCY TAX RELATED LATE FEES AND PENALTIES AND DISCUSSION OF TIDELANDS TRUST LEASE PAYMENTS; (CITY MANAGER)

**RECOMMENDATION: Staff recommends the City Council:**

- 1) Adopt Resolution No. 26-20 authorizing the City's Tax Collector to delay collection of late fees and penalties for overdue Transient Occupancy Tax (TOT) received for stays during February and March 2020 until August 31, 2020, pursuant to the COVID-19 pandemic state of emergency, and
- 2) Review letter staff sent to City's Tidelands Trust Leaseholders and subtenants that outlined City's suspension of late fees and penalties for lease payments, pursuant to the COVID-19 pandemic state of emergency, and provide direction as appropriate.

ADJOURNMENT

DATED: March 31, 2020

  
\_\_\_\_\_  
John Headding, Mayor

**IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.**



AGENDA NO: I

MEETING DATE: April 1, 2020

## Staff Report

TO: Honorable Mayor and City Council

DATE: March 31, 2020

FROM: Chris F. Neumeyer, City Attorney

**SUBJECT: Adoption of Uncodified Urgency Ordinance to Confirm and Adopt City of Morro Bay Regulation No. 1 (COVID-19), as Promulgated by Director of Emergency Services on March 30, 2020, Pursuant to the Existence of a Local State of Emergency, Providing State and County Orders, Applicable within the Jurisdiction of the City of Morro Bay, and Issued in Response to COVID-19, be Expressly Enforceable by City Authorities Through All Enforcement Provisions Within Morro Bay Municipal Code, and Subject to One Thousand Dollar Fines**

### RECOMMENDATION

Adopt, by title only with further reading waived, uncodified Urgency Ordinance No. 631, to confirm and adopt Morro Bay Regulation No. 1 (COVID-19), as promulgated by Director of Emergency Services on March 30, 2020.

### ALTERNATIVES

No alternatives are recommended.

### FISCAL IMPACT

Enforcement of County and State COVID-19 Orders within the City will generate uncertain costs, depending on the necessity, nature and extent of the need for local enforcement of these State and County orders during this time of local emergency.

### BACKGROUND

In December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China. COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person. According to the federal Centers for Disease Control and Prevention ("CDC") as of March 31, 2020 there are over 160,000 confirmed cases of COVID-19 in the United States and over 2,850 deaths due to COVID-19 in the United States.

On March 4, 2020, the Governor declared the existence of a state of emergency in the State of

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Prepared By: \_\_CFN

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_ City Attorney Review: \_\_CFN\_\_\_\_\_

California due to the threat posed by COVID-19. The Director-General for the World Health Organization on March 11, 2020 declared that COVID-19 can be characterized as a “pandemic.” The President of the United States on March 13, 2020 declared that the outbreak of COVID-19 in the United States constitutes a national emergency. On March 14, 2020, the Morro Bay Director of Emergency Services (“Director”) (i.e., the City Manager) proclaimed a declaration of the existence of a local emergency within the City of Morro Bay due to the threat posed to the City from COVID-19. This declaration was subsequently ratified by the City Council on March 19, 2020.

In a short period of time, COVID-19 has rapidly spread throughout California, the County of San Luis Obispo, and the City of Morro Bay, necessitating stringent public health emergency orders as well as guidance and action from federal, state and local authorities. The COVID-19 pandemic continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions.

On March 14, 2020, the Governor issued Executive Order N-25-20, (Exhibit No. 1 to Urgency Ordinance), which ordered that “[a]ll residents are to heed any orders and guidance of state and local public health officials, including, but not limited to the imposition of social distancing measures, to control the spread of COVID-19.” On March 18, 2020, the San Luis Obispo County Emergency Services Director issued a Countywide Shelter at Home Order and Regulation No. 4 for the County of San Luis Obispo (Exhibit No. 2 to Urgency Ordinance), that was further amended and ratified by the County Health Officer on March 21, 2020 (Exhibit No. 3 to Urgency Ordinance). On March 19, 2020, the Governor issued Executive Order N-33-20 (Exhibit No. 4 to Urgency Ordinance), 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>.

The Governor, the State Public Health Officer, the San Luis Obispo County Emergency Services Director, and the San Luis Obispo County Health Officer have issued, and will reasonably continue to issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Morro Bay (“Orders”).

## **DISCUSSION**

Heightened levels of public health and safety planning, preparedness and enforcement have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of San Luis Obispo. Rapid response will be necessary to respond to the rapidly evolving pandemic and to mitigate against the spread of COVID-19 and its resulting public health and safety impacts. In the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity.

In cooperation with the County, staff has determined that City authorities will, and should, take a proactive approach to enforcement of the State and County COVID-19 Orders. Local law enforcement may generally issue criminal misdemeanor citations for violations of these State or county orders. However, a limitation on local enforcement of these State and County orders is the lack of express authority to issue fines by civil administrative citations to violators through local code, or to issue infraction citations. And, as opposed to issuance of criminal misdemeanor citations, there is broader authority for which City officials can issue civil administrative citations.

City staff believes that an initial approach of seeking compliance through providing for civil

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administrative fines is more reasonable than immediately citing non-compliant businesses and individuals with criminal misdemeanor charges. City staff also believes issuing administrative fines for first violations in an amount of one thousand dollars, rather than one hundred dollars as the current local code provides, will secure more rapid compliance. Staff also believes that express authority, until compliance is secured, to daily issue one thousand-dollar fines is warranted.

On March 30, 2020, the Director promulgated Regulation No. 1 (COVID-19) pursuant to the authority of Government Code § 8634 and MBMC § 8.08.060(A)(6)(a). This regulation expressly provides that State and County Orders issued, and to be issued, in response to COVID-19, to the extent they apply within the City's jurisdiction, are applicable and enforceable within City jurisdiction pursuant to the full authority provided to City authorities under the MBMC, and administrative fines can be levied daily in an amount of one thousand dollars.

This regulation "must be confirmed at the earliest practicable time by the city council." (MBMC § 8.08.060(A)(6)(a).) Staff seeks City Council confirmation of Regulation No. 1 (COVID-19), as promulgated by the Director on March 30, 2020, through passage of an uncodified urgency ordinance adopting Regulation No. 1 (COVID-19).

Based on the existence of a state of local emergency, and a need for the immediate preservation of the public health, safety and welfare, Council is asked to confirm Regulation No. 1 (COVID-19) through passage of an urgency ordinance pursuant to Government Code Section 36937(b), so that the urgency ordinance takes effect immediately upon adoption. Passage of an urgency ordinance requires a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b).

### **CONCLUSION**

Staff recommends Council adopt, by title only with further reading waived, uncodified Urgency Ordinance No. 631, to confirm and adopt Morro Bay Regulation No. 1 (COVID-19), as promulgated by Director of Emergency Services on March 30, 2020.

### **ATTACHMENT**

1. Urgency Ordinance No. 631

**(UNCODIFIED) URGENCY ORDINANCE NO. 631**

**AN UNCODIFIED URGENCY ORDINANCE  
OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA,  
CONFIRMING AND ADOPTING CITY OF MORRO BAY REGULATION NO. 1  
(COVID-19), AS PROMULGATED ON MARCH 30, 2020 BY THE DIRECTOR OF  
EMERGENCY SERVICES OF THE CITY OF MORRO BAY, IN THE COUNTY OF  
SAN LUIS OBISPO, STATE OF CALIFORNIA, PURSUANT TO THE EXISTENCE OF  
A LOCAL STATE OF EMERGENCY WITHIN THE CITY OF MORRO BAY (COVID-  
19), PROVIDING STATE AND COUNTY ORDERS, APPLICABLE WITHIN THE  
JURISDICTION OF THE CITY OF MORRO BAY, AND ISSUED IN RESPONSE TO  
COVID-19, AS BEING EXPRESSLY ENFORCEABLE BY CITY AUTHORITIES  
THROUGH ALL ENFORCEMENT PROVISIONS WITHIN THE MORRO BAY  
MUNICIPAL CODE, AND SUBJECT TO ONE THOUSAND DOLLAR FINES**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

**WHEREAS**, COVID-19 is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person, and according to the federal Centers for Disease Control and Prevention (“CDC”) as of March 29, 2020 there are over 120,000 confirmed cases of COVID-19 in the United States and over 2,100 deaths due to COVID-19 in the United States; and

**WHEREAS**, on March 4, 2020, the Governor declared the existence of a state of emergency in the State of California due to the threat posed by COVID-19; and

**WHEREAS**, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a “pandemic”; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

**WHEREAS**, on March 14, 2020, the Morro Bay Director of Emergency Services (“Director”) (i.e., the City Manager, pursuant to Morro Bay Municipal Code (“MBMC”) § 8.08.050(A)) proclaimed a declaration of the existence of a local emergency within the City of Morro Bay (“City”) due to the threat posed to the City from COVID-19, pursuant to Government Code § 8630 and Chapter 8.08 of the MBMC; and

**WHEREAS**, on March 14, 2020, the Governor issued Executive Order N-25-20, (attached hereto and incorporated by reference as Exhibit No. 1), which ordered that “[a]ll residents are to heed any orders and guidance of state and local public health officials, including, but not limited to the imposition of social distancing measures, to control the spread of COVID-19”; 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 (“County”) that took effect on Thursday, March 19, 2020 at 5:00 pm. (attached hereto and incorporated by reference as Exhibit No. 2), and that was further amended and ratified by the County Health Officer on March 21, 2020 (attached hereto and incorporated by reference as Exhibit No. 3); and

**WHEREAS**, on March 19, 2020, the Morro Bay City Council through Resolution No. 23-20 proclaimed and affirmed the existence of a local emergency, and confirmed and ratified the proclamation by the Director of the existence of a local emergency in response to COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor issued Executive Order N-33-20, (attached hereto and incorporated by reference as Exhibit No. 4), 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>; and

**WHEREAS**, the Governor, the State Public Health Officer, the San Luis Obispo County Emergency Services Director, and the San Luis Obispo County Health Officer have promulgated and issued, and will reasonably continue to promulgate and issue, various orders, rules and regulations concerning the COVID-19 state of emergency that are applicable within the jurisdiction of the City of Morro Bay (“Orders”), pursuant to State and County law, including but not limited to the California Emergency Services Act (Gov. Code §§ 8550, *et seq.*) and the California Public Health & Safety Code; and

**WHEREAS**, in a short period of time, COVID-19 has rapidly spread throughout California, the County of San Luis Obispo, and the City of Morro Bay, necessitating stringent public health emergency orders as well as guidance from federal, state and local authorities; and

**WHEREAS**, the COVID-19 pandemic continues to spread rapidly within California, the County of San Luis Obispo, and the City of Morro Bay, continues to present an immediate and significant risk to public health and safety, and can result in serious illness or death, especially to vulnerable populations, including the elderly and those with underlying health conditions; and

**WHEREAS**, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for and response to confirmed cases of COVID-19 in the County of San Luis Obispo, and rapid response not lending itself to otherwise applicable notice and approval timelines has been and will be necessary to respond to the rapidly evolving pandemic and

to mitigate against the spread of COVID-19 and its resulting public health and safety impacts; and

**WHEREAS**, in the absence of such actions, County wide health services may become overwhelmed and unable to keep up with medical demand for care and availability of hospital or care facility capacity; and

**WHEREAS**, the health, safety and welfare of City of Morro Bay (“City”) residents, businesses, visitors and staff are of utmost importance to the City; and

**WHEREAS**, as necessary for public health and safety, the City desires express authority for City enforcement of the Orders (applicable as a matter of law within the jurisdiction of the City), using City law, including but not limited to through application of Chapter 1.03 (Administrative Citation Program) with administrative fines to be levied in the amount of \$1,000 per violation, and Chapter 1.16 (General Penalty) of the MBMC which provides for enforcement of violations as infractions and/or misdemeanors; and

**WHEREAS**, Government Code § 8634 provides in part: “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.”; and

**WHEREAS**, MBMC § 8.08.060(A)6(a) provides in part: “In the event of the proclamation of a ‘local emergency’ as provided in this section... the director is empowered... [t]o 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**, On March 30, 2020, after consideration of all facts reasonably available presently for review and all items, the Director of Emergency Services promulgated Regulation No. 1 (COVID-19) to expressly provide State and County Orders issued, and to be issued, in response to COVID-19, to the extent they apply within the jurisdiction of the City, are applicable and enforceable within City jurisdiction pursuant to the authority provided to City authorities under the MBMC; and

**WHEREAS**, the City Council desires to confirm Regulation No. 1 (COVID-19), as promulgated by the Director of Emergency Services on March 30, 2020, through passage of Regulation No. 1 (COVID-19) as an uncodified ordinance, so as to expressly provide State and County Orders issued, and to be issued, in response to COVID-19, to the extent they apply within the jurisdiction of the City, are applicable and enforceable within City jurisdiction pursuant to the authority provided to City authorities under the MBMC, and administrative fines may be levied daily against violators in the amount of \$1,000 per violation.

**THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA DOES HEREBY FIND AND ORDAIN AS FOLLOWS:**

1. **Recitals.** The above recitals are true and correct and incorporated herein by this reference. The recitals, included in support of federal, State and County actions referenced herein, are adopted as though set forth fully herein as findings in support of this uncodified urgency ordinance.
2. **Governor's Executive Orders.** All directives included in present and subsequent state of emergency Executive Orders concerning the COVID-19 pandemic issued by the Governor of the State of California, which are applicable as a function of law within the jurisdiction of the City of Morro Bay, including, but not limited to:
  - Executive Order N-33-20 which orders 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, and
  - Executive Order N-25-20 which orders all resident to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19

are hereby expressly:

- a. acknowledged and declared to be requirements of the MBMC, and
  - b. adopted by reference into the MBMC, and
  - c. enforceable within the City of Morro Bay pursuant to both the provisions of Chapter 1.03 (Administrative Citation Program) and the provisions of Chapter 1.16 (General Penalty) of the MBMC.
3. **County Orders.** All directives included in present and subsequent Orders concerning the COVID-19 pandemic issued by the San Luis Obispo County Emergency Services Director, the San Luis Obispo County Health Officer, or the San Luis Obispo County Board of Supervisors, which are applicable as a function of law within the jurisdiction of the City of Morro Bay, including, but not limited to:
    - Countywide Shelter at Home Order and Regulation No. 4 for the County of San Luis Obispo, issued by the San Luis Obispo County Emergency Services Director, and as further amended and ratified by the San Luis Obispo County Health Officer,

are hereby expressly:

- a. acknowledged and declared to be requirements of the MBMC, and
  - b. adopted by reference into the MBMC, and
  - c. enforceable within the City of Morro Bay pursuant to both the provisions of Chapter 1.03 (Administrative Citation Program) and the provisions of Chapter 1.16 (General Penalty) of the MBMC.
4. **One Thousand Dollar Fines.** The amount of the fine for any and all violations (starting with the first violation) of above Sections 2 and 3, pursuant to MBMC § 1.03.050 (Administrative fines), shall be one thousand dollars (\$1,000), notwithstanding provisions for any fine amounts to the contrary. Each and every day a violation exists may constitute a separate and distinct offense. A late payment charge of 10% of the applicable fine shall be imposed for payment after the due date of thirty calendar days from the date of the administrative citation pursuant to MBMC § 1.03.060.
  5. **Conflict.** Should the directives referenced in above Sections 2 and 3 conflict in any manner, the stricter directive shall apply, unless expressly acknowledged otherwise by both the Governor and the County, or unless as an operation of law.
  6. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.
  7. **Urgency.** Based on the foregoing recitals, including the recitals in support of federal, State and County actions referenced herein, and all facts of record stated before the City Council, the City Council finds and determines that the immediate preservation of the public peace, health and safety requires that this ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b), and take effect immediately upon adoption.
  8. **Effective Date.** This ordinance is hereby declared to be an urgency measure and shall become effective immediately upon adoption by at least a four-fifths (4/5) vote of the City Council pursuant to Government Code section 36937(b).
  9. **Termination.** This ordinance shall remain in effect until repealed by action of the City Council, or until the state of local emergency in the City concludes, whichever occurs earlier.
  10. **Publication.** The City Clerk shall certify as to the passage and adoption of this urgency ordinance, and shall cause the same to be posted at the designated locations in the City of

Morro Bay and/or be published and promulgated in as widespread a manner as is reasonably feasible under the conditions prevailing during this local emergency.

**PASSED AND ADOPTED** on the \_\_\_\_ day of \_\_\_\_\_ 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
CHRIS F. NEUMEYER, City Attorney

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-25-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

**WHEREAS** state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

**WHEREAS** the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at <http://cdph.ca.gov/covid19>; and

**WHEREAS** the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

**WHEREAS** there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

**WHEREAS**, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

**WHEREAS** 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 such as shelters and food banks; and

**WHEREAS** in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.
2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.
3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.
4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.
5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.
6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social

distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.
8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.
10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary

to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department's website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

- (i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
- (ii) each teleconference location be accessible to the public;
- (iii) members of the public may address the body at each teleconference conference location;
- (iv) state and local bodies post agendas at all teleconference locations;
- (v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
- (vi) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

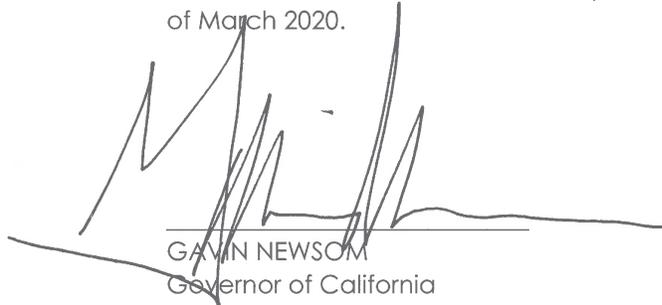
- (i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
- (ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.



A handwritten signature in black ink, appearing to read 'Gavin Newsom', is written over a horizontal line. The signature is stylized and somewhat messy.

GAVIN NEWSOM  
Governor of California

**ATTEST:**

---

ALEX PADILLA  
Secretary of State

**LOCAL EMERGENCY ORDER AND REGULATION NO. 4  
COVID-19**

**MANDATORY SHELTER AT HOME -- ALL INDIVIDUALS LIVING IN THE COUNTY; EXCEPT THAT INDIVIDUALS MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS BUT URGING HOMELESS TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND CESSATION OF NON-ESSENTIAL TRAVEL**

**Please read this order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)**

WHEREAS, at 10:00 a.m. on March 13, 2020, a Proclamation of Local Emergency was issued by the Emergency Services Director; and

WHEREAS, pursuant to Government Code Section 8634 and Title 2, Chapter 2.80, Section 2.80.080 of the San Luis Obispo County Code, the Chairman of the Board of Supervisors or in the event he is unavailable the Emergency Services Director, is empowered to make and issue orders and regulations on matters reasonably related to the protection of life and property; and

WHEREAS, COVID-19 presents an imminent and proximate threat to public health, and the residents of San Luis Obispo County; and

WHEREAS, heightened levels of public health and safety planning and preparedness have been necessitated in preparation for the emergence of confirmed cases of COVID-19, and now that cases have been confirmed in the County, immediate action must be taken to prevent the spread of the virus and to limit high risk activities and gatherings in all public places; and

WHEREAS, it is critical that we ensure the safety and health of our County population; and

WHEREAS, the Emergency Services Director, in consultation with the County Health Officer and with the support of the seven cities within San Luis Obispo County, deems the following immediate actions are necessary to mitigate the spread of COVID-19;

NOW, THEREFORE, it is ordered as follows:

1. **This order is effective as of Thursday, March 19, 2020, at 5:00 p.m. and shall continue in effect until April 17, 2020 at 12:01 p.m., unless modified or rescinded. It shall be reviewed every 14 days to determine the need to continue this order.**
2. The intent of this order is to ensure that the greatest number of people remain in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 as much as possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times, as reasonably possible, comply with Social Distancing Requirements as defined in Section 11, below. All provisions of this order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this order constitutes an imminent threat to public health.
3. All individuals currently living within San Luis Obispo County (the "County") are ordered to remain at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. Social Distancing Requirements are waived for all household members . All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 11 of this order. Individuals experiencing homelessness are exempt from this Section 2, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing Requirements in their operation).
4. All businesses with a facility in the County, except Essential Businesses as defined in Section 11 of this order, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 11. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 11 of this order, including, but not limited to, when any customers are standing in line.
5. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 11. Nothing in this order prohibits the gathering of members of a household or living unit.
6. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined in Section 11, is prohibited. People must use public transit only for purposes

of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 11, to the greatest extent feasible. This order allows travel into or out of the County to perform Essential Activities , operate Essential Businesses, or maintain Essential Governmental Functions.

7. This order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the State of California, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have unrecognized infection or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and **to prevent the health care system from being overwhelmed**. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this order helps preserve critical and limited healthcare capacity in the County.
8. This order is also issued in light of the existence of 7 identified cases of COVID-19 within the County, as well as at least 598 confirmed cases and 13 deaths in California, as of March 17, 2020, at 6:00 p.m. P.S.T. In addition, there have been a significant and increasing number of suspected cases of community transmission and this is likely to continue. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This order is necessary to slow the rate of spread and the County Health Officer will re-evaluate it as further data becomes available.
9. This order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 13, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County, the March 13, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus (COVID-19) issued by the Health Officer, the March 17, 2020 Resolution of the Board of Supervisors of the County of San Luis Obispo Ratifying the Declaration of a Local Health Emergency, and the March 17, 2020 Resolution of the Board of Supervisors of the County of San Luis Obispo Ratifying the Declaration of a Local Health Emergency.

10. This order follows the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The County Health Officer will continue to assess the quickly evolving situation and may modify or extend this order, or issue additional orders, related to COVID-19.

11. The following definitions and exemptions apply to this order:

- a. "Social Distancing" means the practice of maintaining a physical distance of six feet or greater from other people or of avoiding direct contact with people or objects in public places during the outbreak of a contagious disease in order to minimize exposure and reduce the transmission of infection.
- b. For purposes of this order, individuals may leave their residence only to perform any of the following "Essential Activities." But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
  - (1) To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies they need to work from home.
  - (2) To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
  - (3) To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, running, bicycling, swimming or camping (household members only).
  - (4) To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
  - (5) To care for a family member or pet in another household.

- c. For purposes of this order, individuals may leave their residence to work for or obtain services at any "Healthcare Operations" including hospitals, clinics, dentists, pharmacies, pharmaceutical, biotechnology companies, and blood bank services, other healthcare facilities, healthcare suppliers, home healthcare services providers, behavioral health providers, or any related and/or ancillary healthcare services. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.
- (1) For purposes of this order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, energy production, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- (2) For purposes of this order, all first responders, emergency management personnel, emergency dispatchers, court personnel, law enforcement personnel, and certain public health personnel, and others who need to perform essential services are categorically exempt from this order. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Governmental Functions," as determined by the governmental entity performing those functions. Each governmental entity shall identify and designate appropriate employees or contractors to continue providing and carrying out any Essential Governmental Functions. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section, to the extent possible.
- (3) For the purposes of this order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- (4) For the purposes of this order, "Essential Businesses" means:
- (a) Healthcare Operations and Essential Infrastructure;
  - (b) Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments

engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

- (c) Food cultivation, including farming, livestock, and fishing;
- (d) Businesses that provide food, shelter (including hotels, motels, and similar establishments) social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- (e) Newspapers, television, radio, and other media services;
- (f) Gas stations and auto-supply, auto-repair, and related facilities;
- (g) Banks and related financial institutions;
- (h) Hardware stores;
- (i) Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- (j) Businesses providing mailing and shipping services, including post office boxes;
- (k) Educational institutions- including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions, and governmental continuity, provided that Social Distancing Requirements as defined in this Section, to the extent possible;
- (l) Laundromats, drycleaners, and laundry service providers;
- (m) Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

- (n) Businesses that supply products needed for people to work from home;
- (o) Businesses that supply other essential businesses with the support or supplies necessary to operate;
- (p) Businesses that ship or deliver groceries, food, goods or services directly to residences;
- (q) Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this order;
- (r) Home-based care for seniors, adults, or children;
- (s) Residential facilities and shelters for seniors, adults, and children;
- (t) Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
- (u) Childcare facilities providing services that enable employees exempted in this order to work as permitted;
- (v) Businesses engaged in any form of cultivation of products for personal consumption or use, including farming, ranching, livestock, fishing, dairies, creameries, wineries, breweries, and associated activities, including, but not limited to, activities or businesses associated with planting, growing, harvesting, processing, cooling, storing, packaging, and transporting such products, or the wholesale or retail sale of such products, but prohibiting public consumption on premises and provided that, to the extent possible, such businesses comply with Social Distancing Requirements and otherwise provide for the health and safety of their employees;
- (w) On-going commercial construction (meaning commercial construction that actually commenced, and was not just permitted, prior to the effective date of this order), provided that such activity implements Social Distancing Requirements to the extent feasible and otherwise provides for the health and safety of their employees.

12. For businesses subject to environmental health regulations, inspections of such business facilities will continue to ensure compliance with this order and other applicable regulations.

13. This order shall remain in effect until rescinded or modified in consultation with and at the recommendation of the County Health Officer.

A copy of this order and regulation shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 18 MAR 2020

  
Emergency Services Director

Time: 1830

**AMENDMENT TO LOCAL EMERGENCY ORDER AND REGULATION NO. 4  
COVID-19**

**MANDATORY SHELTER AT HOME -- ALL INDIVIDUALS LIVING IN THE COUNTY; EXCEPT THAT INDIVIDUALS MAY LEAVE TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENTAL SERVICES; EXEMPTING INDIVIDUALS EXPERIENCING HOMELESSNESS BUT URGING HOMELESS TO FIND SHELTER AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS; AND CESSATION OF NON-ESSENTIAL TRAVEL**

**Please read this amendment to order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)**

WHEREAS, at 6.30 p.m. on March 18, 2020, the San Luis Obispo County Emergency Services Director, in coordination with the County Health Officer and with the support of the seven cities within San Luis Obispo County, issued Local Emergency Order and Regulation No. 4 (“Order No. 4”) mandating cessation of certain activities and directing that all residents of the county shelter at home;

WHEREAS, the terms “Minimum Basic Operations” and “Essential Travel” are referenced in the order but not defined;

WHEREAS, the purpose of this Amendment to Local Emergency Order and Regulation No. 4 is to set forth the definitions of Minimum Basic Operations and Essential Travel for Order No. 4. and make clear the County Health Officer’s concurrence with Order No. 4 by ratifying said order in full;

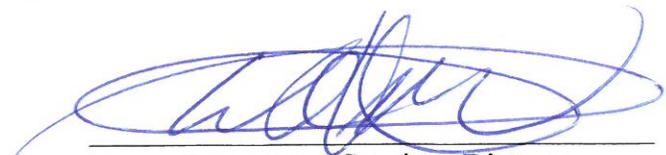
NOW, THEREFORE, it is ordered as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. For purposes of Order No. 4, the term “Minimum Basic Operations” shall mean the necessary activities related to security, maintaining the value of inventory, processing payroll and benefits, processing accounts payable/receivables, and ensuring that employees are working remotely. The term Minimum Basic Operations does not include opening the place of business to members of the public.

3. For the purposes of Order No. 4, "Essential Travel" includes travel within or without the County, or between the various counties, for any of the following purposes:
  - (a) Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions or Services, Essential Businesses, or Minimum Basic Operations.
  - (b) Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
  - (c) Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
  - (d) Travel to return to a place of residence from outside the jurisdiction.
  - (e) Travel required by law enforcement or court order.
  - (f) Travel necessary to vote in any election or to lodge protests for any new or proposed increase to any tax, assessment or property related fee.
  - (g) Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
4. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this order. The violation of any provision of this Order constitutes an imminent threat to public health.
5. This Amendment to Order No. 4 shall be effective immediately.

A copy of this Amendment to Order No. 4 shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

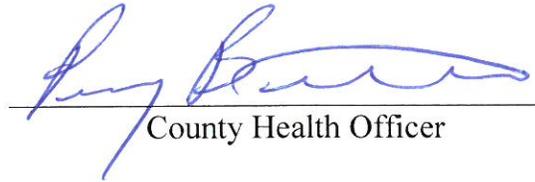
Date: 1130

  
Emergency Services Director

Time: 21 MAR 2020

I, Penny Borenstein, County Health Office, hereby ratify in full this Amendment and all previously issued local emergency orders and regulations issued by the Emergency Services Director in response to the COVID-19 emergency proclamation issued by the Director on March 13, 2020.

Date: 3/21/2020

  
County Health Officer

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-33-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** in a short period of time, COVID-19 has rapidly spread throughout California, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

**WHEREAS** for the preservation of public health and safety throughout the entire State of California, I find it necessary for all Californians to heed the State public health directives from the Department of Public Health.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8627, and 8665 do hereby issue the following Order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) To preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at the highest risk and vulnerability, all residents are directed to immediately heed the current State public health directives, which I ordered the Department of Public Health to develop for the current statewide status of COVID-19. Those directives are consistent with the March 19, 2020, Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, found at: <https://covid19.ca.gov/>. Those directives follow:

ORDER OF THE STATE PUBLIC HEALTH OFFICER  
March 19, 2020

To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order 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>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or

destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

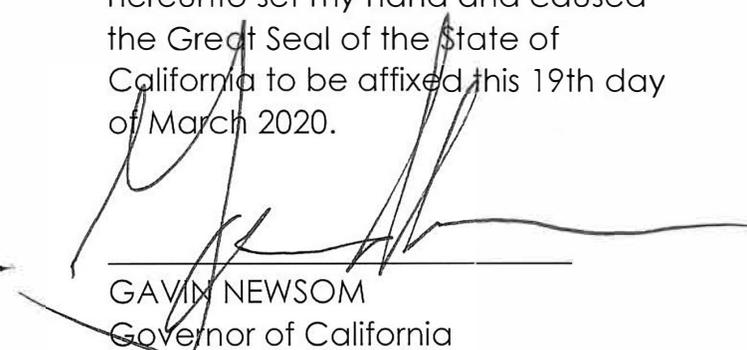
The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.

- 2) The healthcare delivery system shall prioritize services to serving those who are the sickest and shall prioritize resources, including personal protective equipment, for the providers providing direct care to them.
- 3) The Office of Emergency Services is directed to take necessary steps to ensure compliance with this Order.
- 4) This Order shall be enforceable pursuant to California law, including, but not limited to, Government Code section 8665.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of March 2020.



\_\_\_\_\_  
GAVIN NEWSOM  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State



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AGENDA NO: II  
MEETING DATE: April 1, 2020

# Staff Report

**TO:** Honorable Mayor and City Council **DATE:** March 31, 2020  
**FROM:** Scott Collins, City Manager  
**SUBJECT:** Adoption of Resolution to Delay Transient Occupancy Tax Related Late Fees and Penalties and Discussion of Tidelands Trust Lease Payments

## RECOMMENDATION

- 1) Adopt Resolution No. 26-20 authorizing the City Administration through the Finance Director to delay collection of late fees and penalties for overdue Transient Occupancy Tax (TOT) received for stays during February and March 2020 until August 31, 2020, pursuant to the COVID-19 pandemic state of emergency, and
- 2) Review letter staff sent to City’s Tidelands Trust Leaseholders and subtenants that outlined City’s suspension of late fees and penalties for lease payments, pursuant to the COVID-19 pandemic state of emergency, and provide direction as appropriate.

## ALTERNATIVES

- 1) The City Council could decide to allow additional months to fall under this provision. This is not recommended as it could jeopardize the City’s cash flow.
- 2) The Council could decide to allow postponement of TOT remittance altogether. This is not recommended as it would jeopardize the City’s ability to provide essential services.

## FISCAL IMPACT

This action does not waive the requirement to remit TOT to the City. It only postpones the assessment of penalties and interest charges on the debt to the City until August 31, 2020. Since the number of late payments is unknown, the impact cannot be assessed. Since the action is only applicable to February and March remittances, the City has sufficient cash flow to continue its services to allow for this action.

## BACKGROUND/DISCUSSION

**A state of emergency has been proclaimed due to the COVID-19 pandemic.**

### **Transient Occupancy Tax Deferral**

It is in the City’s interest to continue to maintain essential services and work with its lodging businesses that have contributed significantly to the City’s financial well-being. If assistance were

Prepared By: <u>SC</u>	Dept Review:
City Manager Review: <u>SC</u>	City Attorney Review: <u>CFN</u>

offered to lodging businesses located in the City, it would be 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. As such, staff recommends that Council defer collection of TOT for the February 2020 and March 2020 payments that are currently due on March 31, 2020 and April 30, 2020, respectively, until August 31, 2020.

The City's fiscal year ends on June 30, 2020, and the City closes its accounts for the fiscal year on August 31, 2020, which is the latest date that these payments can be delayed while still recording these revenues in the same fiscal year. In addition, staff recommends that no late fees or interest be charged on these deferred payments. Staff recommends that Council still require that lodging properties submit their TOT/Tourism Business Improvement District (TBID)/SLOCAL Tourism Marketing District (TMD) forms on time so that staff can account for those expected revenues for the fiscal year, and in no way is staff proposing that collections of TOT for these months be waived in entirety. The lodging operators will still be expected to pay to the City the TOT funds they have collected on the City's behalf. Failure to remit payment to the City of the TOT revenues for February 2020 and March 2020 by August 31, 2020 will result in fines, interest costs for all lodging establishments and revocation of Short-Term Vacation Rental license.

Lodging operators will continue to remit TBID and TMD revenues.

#### **Letter to City's Waterfront Leaseholders/Subtenants**

On March 23, 2020 City staff sent a letter to the City's Waterfront leaseholders, subtenants and customers stating that the city would suspend applying late fees or penalties to any accounts that go unpaid and will offer deferral of payments at this time. Staff committed to continuing conversations as we move through the course of the pandemic and provide relief in ways we can to help with the impacts of the pandemic. Staff intends to continue to evaluate payment deferrals on an on-going basis to determine when collection of payments would be necessary. A copy of the letter distributed is included as Attachment 2.

City staff is following up with Leaseholders and Subtenants to learn more about the impacts of COVID-19 on their revenues and plan to return to City Council in April with more information and to seek direction from Council at that time.

#### **ATTACHMENTS**

- 1) Resolution No. 26-20
- 2) Letter to City of Morro Bay's Waterfront Leaseholders/Subtenants

**RESOLUTION NO. 26-20**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA,  
AUTHORIZING THE CITY ADMINISTRATION THROUGH THE CITY FINANCE DIRECTOR TO  
DELAY PENALTIES AND INTEREST FOR LATE TRANSIENT OCCUPANCY TAX (TOT)  
REVENUES RECEIVED FOR FEBRUARY AND MARCH 2020 TRANSIENT LODGING  
SERVICES UNTIL AUGUST 31, 2020, PURSUANT TO THE STATE OF EMERGENCY  
PROCLAIMED DUE TO THE COVID-19 PANDEMIC**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, On March 4, the Governor declared the existence of a state of emergency in the State of California in response to the COVID-19 pandemic, on March 14, the City of Morro Bay declared a local emergency in response to the COVID-19 pandemic, and on March 18, 2020, the County of San Luis Obispo declared a Shelter at Home order for non-essential activities; and

**WHEREAS**, staff has been notified from lodging properties that lodging properties are experiencing significant reduction in lodging activity and revenues, and those businesses are requesting that February 2020 and March 2020 TOT interest and penalty payments be delayed until after Summer 2020; and

**WHEREAS**, it is in the City's 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 the City's essential services; and

**WHEREAS**, the City has emergency reserves in its General Fund to help support City operations during the state of emergency.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, the City administration through the City's Finance Director is authorized to delay until August 31, 2020 the imposition of penalties and interest for late Transient Occupancy Tax (TOT) revenues from lodging properties (Morro Bay Municipal Code Chapter 3.24) received for February 2020 and March 2020 transient occupancy lodging services, notwithstanding provisions of Morro Bay Municipal Code §§ 3.24.090-3.24.100. Any such payments not received by August 31, 2020 shall be considered as of September 1, 2020 to have accrued penalties and interest as if no delay had been provided, and may result in revocation of Short-term Vacation Rental licenses.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a special meeting thereof held on the 1<sup>st</sup> day of April 2020, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

\_\_\_\_\_  
DANA SWANSON, City Clerk



## CITY OF MORRO BAY

### HARBOR DEPARTMENT

1275 Embarcadero Road  
Morro Bay, CA 93442

March 23, 2020

Dear Morro Bay Waterfront Leaseholders, Subtenants and Customers:

On behalf of the City of Morro Bay, we first want to make sure you are healthy and taking care of yourselves and your families during the Coronavirus pandemic. The City is here to help and has assembled a variety of resources available to our community members, including under the "Morro Bay Cares" program, all of which can be accessed on the City's website at [www.morrobayca.gov](http://www.morrobayca.gov).

I write to you today under challenging and unprecedented times. I don't believe anybody has seen or could have fully imagined a scenario where not only our local health and economy, but our nation and worldwide health and economy are being compromised and threatened. We certainly don't need to tell you the gravity of the situation before us as we are in uncharted waters and those waters are changing daily. The unprecedented actions that are being taken worldwide are affecting us all physically, emotionally and financially. The City's first focus is on taking recommended measures to help curtail the spread of COVID-19 and keep our community as healthy as possible, especially in light of our demographics and that a large portion of our residents fall into the most vulnerable and at-risk categories. While we focus on health as our main priority, we are not immune to the realization that this pandemic is having real and devastating impacts to our local economy and the small businesses that make Morro Bay so special. Therefore, we are actively engaged and partnered with the Morro Bay Chamber of Commerce to provide support to our local businesses as we understand that we as a community are stronger by working together.

Please visit both the City of Morro and Morro Bay Chamber ([www.morrochamber.org](http://www.morrochamber.org)) websites, for additional information and resources. Between these sites, many resources are being identified, information distributed and updated regularly as state and federal relief action is taken, so please utilize them. In addition, our local Chamber of Commerce CEO Erica Crawford is available to answer questions or provide assistance, and can be reached at (917) 378-2454 or via email on the Chamber website.

With these unprecedented times, we can not tell how long this pandemic will last and what the overall total impact to our economy and local businesses will be, however, we are fully aware that at a minimum, cash flows and short-term ability to pay lease rents, slip, mooring and other fees will likely be a challenge. Therefore, to help our waterfront business partners and boating community, **we have immediately suspended applying any late fees or penalties to any accounts that go unpaid, and are able to offer deferral of payments at this time.** While nobody knows how long these closures and the effects of the pandemic will last, for the immediate future if you or your subtenants are experiencing financial issues affecting your ability to pay rent or fees, please contact the Harbor Department at (805) 772-6254 or email staff and we will work to accommodate your needs on a case-by-case basis.

The City is committed to our community and keeping lines of communication open and doing everything we can to help lessen the impacts of the pandemic. Please remember, your City and Chamber care about you and your business, and we are committed to doing what we can to help as we believe we are stronger working together as a community.

Thank you, be safe and healthy and we'll get through this together.

Eric Endersby  
Harbor Director