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Agenda Items: ID#20-00407 (9:00 A.M.)

2020 MAR 19 A 11:56

Date: 3/19/2020

CITY OF FRESNO
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL

City of



Additional Information

Emergency Open and Closed Session Meeting.

File ID20-00407 - Open Session:

Consider emergency amendments to FMC Article 5, Emergency Services Ordinance (Requires 5 affirmative votes).

Contents: **Ordinance**

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

BILL NO. _____

ORDINANCE NO. _____

AN EMERGENCY ORDINANCE OF THE CITY OF
FRESNO, CALIFORNIA, ADDING SECTION 2-514 TO THE
FRESNO MUNICIPAL CODE REGARDING THE COVID-19
PANDEMIC EMERGENCY

WHEREAS, on March 13, 2020, President Trump declared a National
Emergency concerning the Novel Coronavirus Disease (COVID-19) outbreak; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of
Emergency in the State of California related to COVID-19; and

WHEREAS, the City has declared a State of Emergency related to COVID-19;
and

WHEREAS, the Council hereby finds it necessary to codify and amend
regulations related to the COVID-19 emergency; and

WHEREAS, this Ordinance is necessary for the immediate preservation of the
public health, peace, property, and safety.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2-514 is added to the Fresno Municipal Code to read:

SECTION 2-514. RESPONSE TO COVID-19 EMERGENCY. For so long
as there is a City State of Emergency in effect due to the COVID-19 pandemic,
the following shall apply:

- (a) The City shall not discontinue utility and sanitary service to
any customer for reason of nonpayment, and no late fees or interest shall
accrue. Any customer whose utility service has been shut off or

terminated for nonpayment shall have service restored for the duration of the declared emergency, without any reconnection charges.

(b) Non-essential City services may be suspended, including but not limited to responding to requests under the California Public Records Act.

(c) No refunds shall be owed or paid pursuant to the Money Back Guarantee, Fresno Municipal Code 12-2301, et seq., as a result of extended processing times related to the COVID-19 pandemic.

(d) Senior Hot Meals programs shall continue, with appropriate health and safety precautions in place.

(e) City busses shall be cleaned and disinfected at least daily. The City Transportation Department shall have full authority to modify or add bus routes and schedules to accommodate the public need and welfare during the emergency.

(f) As of March 4, 2020, there shall be instituted a price and rate freeze on consumer goods and lodging facilities which may have limited availability as a result of an emergency or disaster situation. No person or business shall charge a price greater than 10% above prices charged for such goods as of March 4, 2020. This provision shall be enforced via the price gouging emergency ordinance approved by Council on March 16, 2020.

(g) Rent Deferral, Eviction Moratorium, an Foreclosures.

(1) No residential tenant in the City shall be evicted due to loss of income related to a business closure, loss of hours or

wages, layoffs, or out-of-pocket medical costs caused by the COVID-19 outbreak.

(2) Commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent with respect to tenants whose businesses are subject to this Section or are otherwise closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19.

(3) A tenant must notify their landlord they cannot pay rent due to a COVID-19 related impact. Within one week of this notice, the tenant must provide documentation or other objective information that they cannot pay rent. Tenants will have up to six months after the termination of the emergency declaration to repay any back-due rent.

(4) This eviction moratorium shall be in effect for 30 days, and may be extended by the Council for additional 30 day periods, so long as the City's declaration of local emergency is in effect.

(5) Residents and businesses should not face foreclosure as a result of COVID-19. Lenders are encouraged to provide a forbearance agreement for up to six months for borrowers impacted by COVID-19, without impacting the borrower's credit.

(h) City staff shall apply for all available state and federal funding related to the COVID-19 emergency.

(i) The City Manager, or designee, is directed to identify funds and create a COVID-19 Emergency Response Fund to support City actions that are appropriate and necessary to address the impacts and exigencies arising from the COVID-19 pandemic. The City Manager, or designee, shall report this information to the Council at the next Council meeting and thereafter shall report to the Council as promptly and as often as is reasonably possible regarding the expenditures made from the COVID-19 Emergency Response Fund.

(j) If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, then the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

(k) This Ordinance shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

SECTION 2. Pursuant to Sections 603 and 610 of the Charter of the City of Fresno, this Ordinance shall take effect immediately upon passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY:  3/19/2020
Laurie Avedisian-Favini
Assistant City Attorney