



City Council Agenda Item

City Council Meeting Date: May 5, 2020

TO: Mayor and Members of the City Council

FROM: Jim Throop, City Manager
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SUBJECT: Extension of the Proclamation of Local Emergency Caused By COVID-19 and Extension of Moratorium on Utility Service Disconnections for Non-Payment and Waiver of Late Fees and Penalties on Utility Accounts; Adoption of Resolution No. 6238(20)

Recommendation:

Staff recommends the City Council adopt Resolution No. 6328(20), renewing and extending the proclamation of a local emergency due to COVID-19, declared on March 17, 2020, and extending the moratorium on utility service disconnections for non-payment and the waiver of late fees and penalties on commercial and residential utility accounts (attached).

Background and Discussion:

Declaration of Emergency

On March 17, 2020, the City Council adopted Resolution No. 6310(20) proclaiming a local emergency relating to the COVID-19 virus.

Government Code section 8630(c) requires the City Council to review the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency. However, Section 8 of Governor Newsom's March 4, 2020, "Proclamation of a State of Emergency" waived the 60-day review requirement for the duration of the statewide emergency and declared that a local emergency proclamation will remain in effect until the local governing authority terminates its local emergency.

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Extension of Declaration of Emergency and
Moratorium on Utility Disconnection and Late Fees for Non-Payment

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The Governor's waiver of the state law renewal requirement would seem to eliminate the need to renew Lompoc's local emergency, but Lompoc's emergency resolution itself also contained language requiring renewal every 60 days.

Therefore, in an abundance of caution, staff is recommending the City Council review the need for continuing the local emergency and renew it until the City Council declares it terminated. In staff's opinion, there is a need to renew and extend the local emergency because the conditions giving rise to the emergency, as described in Resolution No. 6310(20), continue to exist.

Utility Disconnections and Late Fees

On March 17, 2020, the City Council also approved a moratorium on City utility service disconnections for non-payment, and waived all late fees and penalties on commercial and residential City utility accounts, beginning March 17, 2020, and lasting for 60 calendar days.

Just as the conditions giving rise to the local emergency continue to exist, so too the conditions justifying the moratorium on disconnections for non-payment and waiver of late fees and penalties continue to exist as many Lompoc residents and business have lost income or revenue due to the COVID-19 crisis and may have difficulty making payments on City utility bills. The moratorium ensures that Lompoc residents and businesses affected by economic impacts of the COVID-19 crisis will continue to have access to essential utilities, which are especially important in light of the advice from health officials to shelter in place and the potential need to self-quarantine at home. For commercial accounts, the moratorium provides assistance to local businesses that are struggling as a result of the current crisis. If the City Council does not take action to extend the moratorium, the moratorium will expire on May 16, 2020. Resolution No. 6328(20) would extend the moratorium until the City Council declares an end to the local emergency.

Fiscal Impact

The City's COVID-19 response costs are ongoing. One component of eligibility for reimbursement from the Federal Emergency Management Agency (FEMA) or California Office of Emergency Services (CalOES) is a declared state of emergency at the federal, state, or local level. Renewal of the local emergency will allow the City to continue tracking the City's ongoing COVID-19 response costs for submittal to FEMA and CalOES for potential reimbursement.

Conclusion

For the reasons stated in this report, staff recommends renewal of the local emergency declared by the City Council in Resolution No. 6310(20) on March 17, 2020, and to extend the moratorium on City utility service disconnections for non-payment and waiver of all late fees and penalties on commercial and residential City utility accounts, until the City Council takes action to terminate the local emergency.

Respectfully submitted,

Jim Throop, City Manager



Jeff Malawy, City Attorney

Attachment: Resolution No. 6328(20)