

RESOLUTION NO. _____

**AN RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE AUTHORIZING THE CITY MANAGER
TO SUSPEND LATE CHARGES AND DELINQUENCY
PROCESSING FEES FOR WATER, WASTEWATER, AND
GARBAGE COLLECTION SERVICES, AND TO SUSPEND
THE INTERRUPTION OF WATER SERVICE, UNTIL JUNE
30, 2020.**

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death and is easily transmissible from person to person; and

WHEREAS, the City makes the following recitals and findings with respect to the COVID-19 outbreak:

1. On January 31, 2020, the United States Department of Public Health and Human Services Secretary Alex Azar declared a public emergency for the novel coronavirus (COVID-19) beginning on January 27, 2020.
2. On February 3, 2020, the Santa Clara County Director of Emergency Services proclaimed a state of emergency due to the COVID-19 outbreak, which was ratified by the Santa Clara County Board of Supervisors on February 10, 2020, thus enabling Santa Clara County to take extraordinary measures.
3. On March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State. Santa Clara County issued updated guidance for workplaces and businesses, stating that employers should take steps to make it more feasible for their employees to work in ways that minimize close contact with large numbers of people, including suspending nonessential employee travel and minimizing the number of employees working within arm's length of one another, particularly by canceling large in-person meetings and conferences. Santa Clara County also recommended that persons at higher risk of severe illness should stay home and away from crowded social gatherings of people as much as possible such as parades, conferences, sporting events, and concerts where large numbers of people are within arm's length of one another.
4. On March 9, 2020, the Santa Clara County Department of Public Health issued a mandatory order prohibiting public gatherings of more than 1000 people, effective March 11, 2020.
5. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; Santa Clara County announced that the number of confirmed COVID-19 cases in the County had increased to 48 from 24 on March 6, 2020; and the CDC and Governor of the State of California issued recommendations to cancel or postpone gatherings of more than 20 people.

6. On March 12, 2020, the City Manager acting as the Director of Emergency Services proclaimed the existence of a local emergency within the City related to the COVID-19 outbreak
7. On March 13, 2020, the Santa Clara County Department of Public Health issued a new Order mandating a countrywide moratorium on gatherings of more than 100 persons and a conditional countywide moratorium on gatherings of between 35-100 persons to mitigate the spread of COVID-19.
8. On March 16, 2020, the Health Departments for the six Bay Area counties jointly issued a “shelter in place” order, mandating the closure of all non-essential businesses. Where possible, employees must work from home. Further, the Santa Clara County Superintendent of Schools and all district superintendents in the County closed schools to students. These school closures have caused children to have to remain at home, and consequently required parents to adjust their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot work from home or cannot afford to take off time from work to stay at home.
9. On March 16, 2020, the Governor issued Executive Order N-28-20. Among other emergency actions related to the COVID-19 outbreak, that Order suspended any state law that would preempt or otherwise restrict the City’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.
10. On March 17, 2020, the City Council adopted a Resolution ratifying the City Manager’s Proclamation of a Local Health Emergency. Also on March 17, 2020, the City Council authorized the City Manager to suspend interruption of water service and waive late penalties for all water customers.
11. On March 19, 2020, the Governor of the State of California issued Executive Order N-33-20 ordering all Californians to stay home for an undetermined period of time.
12. On April 2, 2020, the Governor of the State of California issued Executive Order N-42-20 suspending, until further notice, the authority of urban and community water systems to discontinue residential water service, and further directing water systems not to discontinue water service to small businesses in critical infrastructure sectors.
13. The City of Sunnyvale has been impacted by the health crisis of this global pandemic. The Centers for Disease Control and Prevention, the California Department of Health, and the Santa Clara County Department of Public Health have issued recommendations and orders including but not limited to social distancing, staying home if sick, self-quarantining if exposed to COVID-19, canceling or postponing group events, working from home, and various other precautions to protect public health and prevent

transmission of this communicable virus. Sporting events, concerts, plays, and conferences have been cancelled. Non-essential services are closed. Schools are closed.

14. The Governor has stated that 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, including shelters and food banks.
15. As a result of these recommendations and orders, restaurant and retail business has significantly declined, and workers have been and will continue to be impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.
16. As a further result of these recommendations and orders, many residents and small businesses in Sunnyvale have experienced or expect to soon experience sudden income loss. Further income impacts are anticipated.
17. The loss of income caused by the effects of COVID-19 may impact the ability of residents and small businesses to pay for water, wastewater, and solid waste and recycling services. Imposition of late charges and delinquency processing fees upon financially stressed residents and businesses, and discontinuation of these essential services during a period of emergency, will adversely affect the public health, safety, and welfare of the City and its residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sunnyvale as follows:

1. Notwithstanding Section 12.50.050 of the Sunnyvale Municipal Code (Late charges for delinquent utility accounts) and Resolution 945-19 (adoption of the 2019/2020 Fee Schedule), the City Manager is authorized to suspend the late charges and delinquency processing fees for water, wastewater, and garbage collection services, otherwise required by Section 12.50.050 of the Sunnyvale, until June 30, 2020, or until the Governor's Executive Order N-42-20 is lifted, whichever is later.
2. Notwithstanding Section 12.50.060 of the Sunnyvale Municipal Code (Discontinuation of service—non-payment), the City Manager is authorized to suspend the interruption of water service until June 30, 2020, or until the Governor's Executive Order N-42-20 is lifted, whichever is later.
3. The City Manager is authorized to resume late charges, delinquency processing fees, and interruption of water service prior to June 30, 2020, if the Governor's Executive Order N-42-20 has been lifted and the City Manager determines that economic conditions for

residents and businesses have improved so that a threat to the public health, safety, and welfare no longer exists.

4. The City Council finds that the above actions are exempt from the provisions of the California Environmental Quality Act ("CEQA") under CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the implementation of this ordinance may have a significant effect on the environment.

Adopted by the City of Sunnyvale at a regular meeting of the City Council held on April 7, 2020, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

JOHN A. NAGEL
City Attorney