



NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.

NOTICE AND CALL OF A SPECIAL CITY COUNCIL MEETING

THURSDAY, JULY 16, 2020 – 5:30 P.M.

VIA TELECONFERENCE OR VIRTUAL PLATFORM ONLY – No PUBLIC LOCATION OF THIS MEETING
(CITY HALL IS LOCATED AT 6707 THIRD STREET, RIVERBANK, CA 95367)

A G E N D A

(THE AGENDA PACKET IS AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

CALL TO ORDER

Mayor Richard D. O'Brien

FLAG SALUTE

Mayor Richard D. O'Brien

ROLL CALL

Mayor Richard D. O'Brien
Vice Mayor Luis Uribe (CM-D1)
Councilmember District 2 Cindy Fosi
Councilmember District 3 Cal Campbell
Councilmember District 4 Darlene-Barber Martinez

CONFLICT OF INTEREST

Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC BUSINESS FROM THE FLOOR (No Action Can Be Taken)

Pursuant to Government Code in reference to a special meeting, the public has the opportunity to address the City Council only on items appearing on this special meeting notice. Individual comments are limited to a **maximum of 3 minutes** per person and each person may speak once during this time. Time cannot be yielded to another person.

Written public comments received via email **no later than 4:00 p.m.** will be provided to the City Council for consideration. Email cityclerk@riverbank.org and indicate Item Number in the subject line. For comments during the ZOOM meeting, refer to the procedures page.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council unless requested by an individual Council Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council.

Item 2.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 2.B: A **Resolution** Approving the Permanent Local Housing Allocation (PLHA) Formula Allocation Plan.

3. BUSINESS

Item 3.1: Introduction by Title Only of an Urgency Ordinance of the City Council of the City of Riverbank, California, (1) Adopting the Stanislaus County Health Officer’s March 31, 2020, Order Directing All Individuals Living in the County to Shelter at Their Place of Residence; (2) Adopting the Governor’s Executive Order N-33-20, Directing All Individuals in the State to Shelter at Their Place of Residence; (3) Adopting Any Subsequent Orders That the Stanislaus County Health Officer or Any Official of the State of California May Issue to Limit the Spread of Covid-19 During the Duration of the Covid-19 State of Emergency; and (4) Ordering All Individuals in the City of Riverbank to Shelter at Their Place of Residence and Setting Forth Enforcement Rules – It is recommended that the City Council consider the proposed Urgency Ordinance No. 2020-010, reading by title only, waiving further reading, and adoption of an Urgency Ordinance of the City Council requiring that all businesses within the City must require every person entering the business, and continuing until their departure, to wear a face mask or covering that covers the nose and mouth (the “Ordinance”).

ADJOURNMENT – The next regular City Council meeting is on July 28th at 6:pm

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at least 24 hours prior to the meeting in accordance to the Brown Act.

Posted this 15th day of July, 2020

/s/Annabelle H. Aguilar, CMC, City Clerk, City of Riverbank

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk’s Office at (209) 863-7122 or cityclerk@riverbank.org. Notification least (12) hours before the meeting may enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].



**PUBLIC PARTICIPATION PROCEDURES
FOR THE SPECIAL CITY COUNCIL MEETING HELD IN A
TELECONFERENCE OR VIRTUAL PLATFORM IN CONFORMANCE WITH
THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

PUBLIC "LIVE" VIEWING -

- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received **by 4:00 p.m.** on the day of the meeting.)

Via Email to cityclerk@riverbank.org:

- **Written Comments via Email before the meeting only:** (Will be distributed to the City Council)
 - **Submit No later than 4:00 p.m.** on the day of the meeting; and
 - Indicate Agenda Item # in the ***subject line***; Limit 250 words.

Join via ZOOM Platform:

- 1) Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- 2) Join by this link: <https://us02web.zoom.us/j/85803132923>
- 3) Join by accessing website: <https://zoom.us/join>
 - a. **Webinar ID: 858 0313 2923**
- 4) Join by telephone: **1-669-900-9128 or 1-346-248-7799**
Webinar ID: 858 0313 2923

- **HOW DO I COMMENT?** The Mayor will announce when public comment may be made for the agenda item, at which time you will:
 - **Using a computer** – click on the “raise hand” feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
 - **Using a Phone** – Dial ***9**, which will notify us that you have a “raised hand”
 - Once you are told “you may make your comments” you will have 3 minutes to make your comments.
- **Learn about using ZOOM** - Visit <https://support.zoom.us/hc/en-us/categories/201146643>

SPECIAL RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 2.A

SECTION 2: CONSENT CALENDAR

| | |
|----------------------|---|
| Meeting Date: | July 16, 2020 |
| Subject: | Waiver of Readings |
| From: | Sean Scully, City Manager |
| Submitted by: | Annabelle Aguilar, CMC, City Clerk / LRA Recorder |

RECOMMENDATION

It is recommended that the City Council approve the waiver of readings of any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of the proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

SPECIAL RIVERBANK CITY COUNCIL AGENDA ITEM NO. 2.B

SECTION 2: CONSENT CALENDAR

| | |
|----------------------|---|
| Meeting Date: | July 16, 2020 |
| Subject: | A Resolution Approving the Permanent Local Housing Allocation (PLHA) Formula Allocation Plan |
| From: | Sean Scully, City Manager |
| Submitted By: | Marisela H. Garcia, Assistant City Manager/Admin. Services Director |

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution approving the Permanent Local Housing Allocation (PLHA) Formula Allocation Plan.

SUMMARY

At the June 23, 2020 City Council meeting, the Council adopted a Resolution authorizing city staff to submit an application to the State Department of Housing and Community Development for the Permanent Local Housing Allocation (PLHA) Grant Program. The Program requires that the City Council formally adopt a Plan for the use of these funds.

BACKGROUND

The Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability of approximately \$195 million under the Permanent Local Housing Allocation program. HCD will allocate these funds via a formula component (which entitles Riverbank to approximately \$122,000) and a competitive component (NOFA to be issued in August). The funds must be used to carry out one or more of the following eligible activities:

1. The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is Affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary Operating subsidies.
2. The predevelopment, development, acquisition, rehabilitation, and preservation of Affordable rental and ownership housing, including Accessory dwelling units

(ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.

3. Matching portions of funds placed into Local or Regional Housing Trust Funds.
4. Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.
5. Capitalized Reserves for Services connected to the preservation and creation of new Permanent supportive housing.
6. Assisting persons who are experiencing or At risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
 - a. This Activity may include subawards to Administrative Entities as defined in HSC Section 50490(a)(1-3) that were awarded CESH program or HEAP funds for rental assistance to continue assistance to these households.
 - b. Applicants must provide rapid rehousing, rental assistance, navigation centers, emergency shelter, and transitional housing activities in a manner consistent with the Housing First practices described in 25 CCR, Section 8409, subdivision (b)(1)-(6) and in compliance with WIC Section 8255(b)(8). An Applicant allocated funds for the new construction, rehabilitation, and preservation of Permanent supportive housing shall incorporate the core components of Housing First, as provided in WIC Section 8255, subdivision (b).
7. Accessibility modifications in Lower-income Owner-occupied housing.
8. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
9. Homeownership opportunities, including, but not limited to, down payment assistance.
10. Fiscal incentives made by a county to a city within the county to incentivize approval of one or more Affordable housing Projects, or matching funds invested by a county in an Affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an Affordable housing Project. Matching funds investments by both the

county and the city also shall be a grant or low-interest deferred loan to the Affordable housing Project.

PROPOSED PLAN

The City will be eligible to the receipt of annual funds over a five-year period which may be used for any of the eligible activities. It is the City's desire that the funds be used for any combination of the following:

1. Ward Avenue Affordable Housing Project. Funds to assist with the costs of the offsite improvements in order to maintain housing affordability for future buyers.
2. Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
3. Accessibility modifications in Lower-income Owner-occupied housing.
4. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
5. Homeownership opportunities, including, but not limited to, down payment assistance.

FINANCIAL IMPACT

If awarded, the City is eligible to receive approximately \$732,382 over five years (\$122,000 in year one) in PLHA formula funds. In addition, (if regulations allow) the City may be eligible to apply for competitive funds via the August 2020 Notice of Funding Availability.

ATTACHMENTS

1. Resolution

CITY OF RIVERBANK

RESOLUTION NO. 2020-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE PERMANENT LOCAL HOUSING ALLOCATION
FORMULA ALLOCATION PLAN**

A necessary quorum and majority of the Council Members of the City of Riverbank, a municipality, ("Applicant") hereby consents to, adopts, and ratifies the following resolution:

WHEREAS the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 02/26/2020 under the Permanent Local Housing Allocation (PLHA) Program; and

WHEREAS, the Department is authorized to provide up to \$195 million under the SB 2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq. (Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, Applicant is an eligible Local government applying for the program to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation; and

WHEREAS, the City of Riverbank desires that the following eligible activities be submitted as part of the Permanent Local Housing Allocation Formula Allocation Plan:

1. Ward Avenue Affordable Housing Project. Funds to assist with the costs of the offsite improvements in order to maintain housing affordability for future buyers.
2. Assisting persons who are experiencing or at risk of homelessness, including, but not limited to, providing rapid rehousing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.
3. Accessibility modifications in Lower-income Owner-occupied housing.
4. Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.
5. Homeownership opportunities, including, but not limited to, down payment assistance.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the proposed Permanent Local Housing Allocation Formula Allocation Plan.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a special meeting held on the ____ day of July, 2020; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

PROPOSED

SPECIAL RIVERBANK CITY COUNCIL AGENDA ITEM NO. 3.1

SECTION 3: BUSINESS

Meeting Date: July 14, 2020

Subject/ Title: Introduction by Title Only of an Urgency Ordinance of the City Council of the City of Riverbank, California, (1) Adopting the Stanislaus County Health Officer's March 31, 2020, Order Directing All Individuals Living in the County to Shelter at Their Place of Residence; (2) Adopting the Governor's Executive Order N-33-20, Directing All Individuals in the State to Shelter at Their Place of Residence; (3) Adopting Any Subsequent Orders That the Stanislaus County Health Officer or Any Official of the State of California May Issue to Limit the Spread of Covid-19 During the Duration of the Covid-19 State of Emergency; and (4) Ordering All Individuals in the City of Riverbank to Shelter at Their Place of Residence and Setting Forth Enforcement Rules

From: Sean Scully, City Manager

Submitted by: Tom Hallinan, City Attorney

RECOMMENDATION

It is recommended that the City Council consider the proposed Urgency Ordinance No. 2020-010, reading by title only, waiving further reading, and adoption of an Urgency Ordinance of the City Council requiring that all businesses within the City must require every person entering the business, and continuing until their departure, to wear a face mask or covering that covers the nose and mouth (the "Ordinance").

BACKGROUND / SUMMARY

COVID-19 is a global health crisis that endangers the public health and safety of the City of Riverbank (the "City") residents. On March 4, 2020, the Governor of the State of California ("Governor") declared a state of emergency in the State of California ("State") due to the number of confirmed cases of COVID-19 in the State, which state of emergency remains in effect. To coordinate the State's efforts to limit COVID-19 transmission, the Governor issued Executive Order N-25-20 ("EO-25") on March 11, 2020, in which he ordered that all residents of the State "heed any orders and guidance of state and local public health officials" with respect to COVID-19. The City declared a local emergency due to COVID-19, on March 16, 2020, which the City Council ratified on March 18, 2020.

On March 19, 2020, the Governor issued Executive Order N-33-20 (“EO-33”), ordering all State residents to “immediately heed the current State public health directives, which [he] ordered the Department of Public Health to develop for the current statewide status of COVID-19” as those directives are necessary to “preserve the public health and safety, and to ensure the healthcare delivery system is capable of serving all, and prioritizing those at highest risk and vulnerability.” These Executive Orders provide that the State public health directives are mandatory and binding on all Californians.

On March 31, 2020, the Stanislaus County (“County”) Health Officer issued an order to implement EO-33. On April 1, 2020, the California Department of Public Health issued a Guidance (the “April 1 Guidance”) recommending that State residents wear face masks or coverings while leaving their residence to perform essential activities.

On April 14, 2020, the City Council passed Urgency Ordinance No. 2020-006, which adopted in the City the following: (1) the County Health Officer’s March 31, 2020 Order; (2) EO-33; and (3) any subsequent orders that the County Health Officer or any State official may issue to limit the spread of COVID-19, and ordered all individuals in the City to shelter at their place of residence.

On June 18, 2020, the California Public Health Officer issued a Guidance¹ (the “June 18 Guidance”), which supersedes the April 1 Guidance, and now requires all people in California to wear face coverings when in public in specific enumerated circumstances, with certain exceptions for individuals with certain disabilities, health conditions, or other risks, or individuals under two years of age, and this June 18 Guidance is fully binding on all people in California pursuant to EO-25 and EO-33, as recounted above.

DISCUSSION

Consistent with the State requirements, the Ordinance states that every business within the City shall require every person entering into the business, and continuing until their departure, to wear a face mask or covering that covers the nose and mouth, in accordance with the State guidelines applicable to the specific industry sector for that business, as set forth on the Industry Guidance webpage. The Ordinance is developed with the background of consistent City Council direction that the State Health Orders be complied with and actively enforced where possible.

The “Industry Guidance” webpage is defined in the Ordinance as the State’s “Industry guidance to reduce risk” webpage, which the State maintains on its COVID-19 website, and which is updated on a regular basis to reflect the current directives from the State regarding protocols for containing the spread of COVID-19, which protocols are industry-specific and organized by industry sector. See, <https://covid19.ca.gov/industry-guidance/> (last updated on July 13, 2020.)

¹ https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf

The Ordinance defines “Business” as “all businesses within the City of Riverbank that are subject to the State requirements regarding COVID-19, as set forth by industry sector on the Industry Guidance webpage.”

The Ordinance provides that the face mask or covering can be a fabric covering, such as a scarf or bandana. All reusable face masks or coverings should be washed frequently (at least daily). The Ordinance also discourages residents from wearing personal protective equipment, such as N-95 masks, for non-medical reasons.

A violation of the Ordinance shall be considered an imminent threat to the public health and shall constitute a public nuisance in accordance with Title IX, General Regulations, of the Riverbank Municipal Code (“RMC”), Chapter 98, Nuisance Abatement. The City Manager may designate an enforcement officer who may issue administrative citations for violations of the Ordinance, pursuant to the procedures in Chapter 98 of the RMC.

For a first violation, the enforcement officer may issue a warning to the Business responsible for the violation, or issue an administrative citation with a two-hundred fifty dollar (\$250.00) fine. A second violation of this Ordinance may result in an administrative citation with a five hundred dollar (\$500.00) fine. A third, and all subsequent violations of this Ordinance may result in an administrative citation with a one thousand dollar (\$1000.00) fine.

Since the Ordinance is an urgency ordinance, Government Code section 36937 requires the City Council to adopt the Ordinance by a four-fifths (4/5) vote. If approved, the Ordinance takes effect immediately.

ALTERNATIVES

The City Council may choose to do any of the following:

- 1) Adopt the Ordinance;
- 2) Continue the item to a later meeting of the City Council and provide direction to staff for any changes; or
- 3) Reject the Ordinance.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act requires environmental review only if a public agency action constitutes a “project.” (Pub. Res. Code § 21065.) The Ordinance is not a “project”, since it does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment. (Cal. Code Regs., tit. 14, § 15064, subd. (d).)

FINANCIAL IMPACT

None.

ATTACHMENTS

Ordinance.

CITY OF RIVERBANK

ORDINANCE NO.2020-010

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, (1) ADOPTING THE STANISLAUS COUNTY HEALTH OFFICER’S MARCH 31, 2020, ORDER DIRECTING ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR PLACE OF RESIDENCE; (2) ADOPTING THE GOVERNOR’S EXECUTIVE ORDER N-33-20, DIRECTING ALL INDIVIDUALS IN THE STATE TO SHELTER AT THEIR PLACE OF RESIDENCE; (3) ADOPTING ANY SUBSEQUENT ORDERS THAT THE STANISLAUS COUNTY HEALTH OFFICER OR ANY OFFICIAL OF THE STATE OF CALIFORNIA MAY ISSUE TO LIMIT THE SPREAD OF COVID-19 DURING THE DURATION OF THE COVID-19 STATE OF EMERGENCY; AND (4) ORDERING ALL INDIVIDUALS IN THE CITY OF RIVERBANK TO SHELTER AT THEIR PLACE OF RESIDENCE AND SETTING FORTH ENFORCEMENT RULES.

WHEREAS, the Centers for Disease Control and Prevention considers the novel coronavirus (“COVID-19”) to be a very serious public health threat with outcomes ranging from mild sickness to severe illness and death; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to approximately one hundred ninety-nine (199) countries, infected more than five hundred ninety-seven thousand (597,000) people and killed more than twenty-seven thousand (27,000) people worldwide as of March 27, 2020, according to the World Health Organization; and

WHEREAS, on March 4, 2020, the Governor of the State of California (the “Governor”), declared a state of emergency in the State of California (the “State”) due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, the Governor announced that State public health officials have determined that gatherings of more than two hundred fifty (250) people should be postponed or canceled across the State until at least the end of March; and

WHEREAS, on March 11, 2020, the County of Stanislaus (the “County”) proclaimed a local emergency due to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency due to COVID-19; and

WHEREAS, on March 16, 2020, the City of Riverbank (the “City”) declared a local emergency due to COVID-19, which was ratified by the City Council on March 18, 2020; and

WHEREAS, on March 19, 2020, to prevent the spread of COVID-19, the Governor issued Executive Order N-33-20 ordering all State residents to shelter at their place of residence except as needed to ensure continuity of operations in essential critical infrastructure sectors and additional sectors as directed by the State Public Health Officer; and

WHEREAS, March 22, 2020, the State Public Health Officer has designated a list of “Essential Critical Infrastructure Workers”, which can be found at <https://covid19.ca.gov/img/EssentialCriticalInfrastructureWorkers.pdf>; and

WHEREAS, on March 31, 2020, the Stanislaus County Health Officer issued an order to implement Executive Order N-33-20, by directing all County residents to shelter at home or at their place of residence except when leaving to provide or receive certain essential services; and

WHEREAS, many individuals who contract the COVID-19 have no symptoms or have mild symptoms, but can still transmit the disease; and

WHEREAS, because scientific evidence shows the disease is easily spread; gatherings can result in preventable transmission of the virus; and

WHEREAS, the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19; and

WHEREAS, as of April 2, 2020, there are (2) cases of COVID-19 in the City and there are forty-four (44) confirmed cases of COVID-19 in the County; and

WHEREAS, 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; and

WHEREAS, Government Code section 8634 authorizes, during a local emergency, the City Council, or officials designated thereby, to promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, Government Code section 53069.4 authorizes the City by ordinance to make any violation of any ordinance enacted by the City subject to an administrative fine or penalty; and

WHEREAS, pursuant to Section 36937 of the California Government Code, the City may adopt an urgency ordinance if it is for the immediate preservation of the public peace, health or safety.

NOW, THEREFORE, THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. STANISLAUS COUNTY HEALTH OFFICER’S MARCH 31, 2020, ORDER ADOPTED IN FULL.

The City hereby adopts in full the Stanislaus County Health Officer’s March 31, 2020, Order entitled, “Order of the Stanislaus County Health Officer Directing All Individuals Living In The County To Stay At Home Or At Their Place Of Residence Except That They 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 From This Order But Urging Them 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 Ordering Cessation of All Non-Essential Travel” (the “County March 31 Order”). A true and correct copy of the County March 31 Order is attached hereto as **Exhibit “A”** and incorporated herein by this reference.

SECTION 2. GOVERNOR’S EXECUTIVE ORDER N-33-20 ADOPTED IN FULL.

The City hereby adopts in full the Governor’s Executive Order N-33-20 (the “Executive Order”). A true and correct copy of the Executive Order is attached hereto as **Exhibit “B”** and incorporated herein by this reference.

SECTION 3. ALL SUBSEQUENT ORDERS OF THE STANISLAUS COUNTY HEALTH OFFICER ISSUED DURING THE EMERGENCY PERIOD ARE ADOPTED.

All orders that will be issued by the Stanislaus County Health Officer subsequent to the County March 31 Order (Exhibit A) during the term stated in Section 7, shall be deemed automatically adopted by the City as of the date of issuance without any further action required by the City Council or the Director of Emergency Services, and shall be binding on all individuals living within the City, unless the City Council passes an ordinance or resolution, or the Director of Emergency Services issues a rule or regulation abrogating, modifying or otherwise clarifying said order from the Stanislaus County Health Officer or limiting its application with respect to the City.

SECTION 4. ALL SUBSEQUENT ORDERS OF THE STATE OF CALIFORNIA ISSUED DURING THE EMERGENCY ARE ADOPTED.

All orders that will be issued by the Governor of California or the State Public Health Officer subsequent to the Executive Order (Exhibit B) to limit the spread of COVID-19 during the term stated in Section 7, shall be deemed automatically adopted by the City as of the date of issuance without any further action required by the City Council or the Director of Emergency Services, and shall be binding on all individuals living within the

City, unless the City Council passes an ordinance or resolution, or the Director of Emergency Services issues a rule or regulation abrogating, modifying or otherwise clarifying said order from the State of California or limiting its application with respect to the City.

SECTION 5. SHELTER IN PLACE.

All individuals currently living within the City are ordered to shelter at their place of residence in accordance with all terms and conditions imposed by the County March 31 Order (Exhibit A) and the Executive Order (Exhibit B). To the extent individuals must use 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. Individuals experiencing homelessness are exempt from this Section 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.

All public and private gathering of any number of people occurring outside a household or living units are prohibited, except for the limited purposes as expressly permitted in the County March 31 Order (Exhibit A).

SECTION 6. ENFORCEMENT.

A. The City Manager, or his or her designee and all peace officers, are authorized to enforce and ensure compliance with this Ordinance. The violation of any provision of this Ordinance constitutes an imminent threat to the public health and is hereby declared to be a public nuisance in accordance with the Riverbank Municipal Code (the “RMC”). It is unlawful to violate any of the provisions of this Ordinance, or to do any act prohibited by this Ordinance, or to omit or fail to do any act required by this Ordinance.

B. The purpose of this Section is to provide remedies to address acts or omissions set forth in this Ordinance. Violations may be corrected or addressed in a number of ways and it is the intent of this Ordinance to provide the City with an administrative process for correcting violations and to penalize violators for failure to comply with this Ordinance.

C. This Section provides for administrative citations which are in addition to all other legal and equitable remedies and provides an alternative to any criminal prosecutions which may be pursued by the City to address any violation of this Ordinance, or of any regulations adopted under the authority of the RMC.

D. Use of the remedies and procedures of this Section shall be at the sole discretion of the enforcement officer authorized to proceed under this Ordinance and shall not limit or preclude the use of criminal or civil injunctive code enforcement proceedings.

E. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

1. "Enforcement officer" means the City Manager, the Chief of Police, or any City employee, or agent of the City, designated by the City Manager or the Chief of Police with the authority to enforce any provision of this Ordinance.
2. "Responsible party" means the owner, agent, manager, lessee, tenant or any other person having control or possession of a property where a violation of this Ordinance occurs and any individual who violates any provision of this Ordinance. In the event that the responsible person who is in violation of this Ordinance is a minor, then the minor and the parents, or guardians of that minor, will be jointly and severally liable for any fine imposed.

F. Whenever an enforcement officer determines that a violation of any provision of this Ordinance has occurred, the enforcement officer, in his or her sole discretion, may issue a warning to any person responsible for the violation. The warning shall serve as a written or verbal warning of responsibility. The warning requires immediate action by the person responsible for the violation to correct or cease the violation.

G. Whenever an enforcement officer charged with the enforcement of this Ordinance determines that a violation of this Ordinance has occurred, the enforcement officer shall have the authority to issue an administrative citation to the person or entity responsible for the violation pursuant to the procedures in Chapter 99, Administrative Remedies, of Title IX, General Provisions, of the RMC. Chapter 99, Administrative Remedies, of Title IX, General Provisions, of the RMC, shall be followed; provided, that:

1. A first violation of this Ordinance shall result in an administrative citation with a two hundred fifty dollar (\$250.00) fine;
2. A second violation of this Ordinance shall result in an administrative citation with a five hundred dollar (\$500.00) fine;
3. A third and subsequent violation of this Ordinance shall result in an administrative citation with a one thousand dollar (\$1000.00) fine.

H. The remedies, fines, penalties and fees provided for under this Ordinance or in the RMC are cumulative and shall not restrict the City from any other remedy to which it is entitled under law or equity. Nothing in this Ordinance shall be deemed to preclude the imposition of any criminal penalty under State law or this Ordinance, nor shall anything in this Ordinance be deemed to conflict with any penalty or provision under State law, or to prohibit any conduct authorized by the California and United States Constitution. This Ordinance shall not be interpreted in any manner that conflicts with the laws or Constitutions of the United States or California.

I. Notwithstanding any other provision of this Ordinance, whenever the enforcement official determines real property or any building, structure or condition thereon is dangerous or constitutes an immediate threat to life, public health or safety, the enforcement official may immediately and forthwith abate such public nuisance. Actions taken to abate immediately or potentially dangerous nuisances may include, but are not

limited to, removal of the condition creating the danger and/or the restriction from use or occupancy of the property on which the condition exists, or any other abatement action determined by the enforcement official to be necessary. Notice of the emergency abatement shall be provided to the owner and/or responsible party as provided for in this Ordinance the same day or as soon as practical.

SECTION 7. TERM. This Ordinance remains in full force and effect until the Governor ends the state of emergency in response to the COVID-19 outbreak or until the Ordinance is rescinded by the City Council, whichever occurs first.

SECTION 8. SEVERABILITY. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

SECTION 9. URGENCY FINDING. The City hereby finds, determines and declares that this Ordinance is necessary to the immediate preservation of the public peace, health or safety, because there is an urgent need to slow COVID-19 transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. Therefore, the City further finds, determines and declares that this Ordinance takes effect immediately upon adoption pursuant to the authority conferred upon the City Council by California Government Code section 36937.

The foregoing Ordinance was introduced, adopted, approved and ordered published in full by a four-fifths vote at a meeting of the City Council of the City of Riverbank held on the 16th day of July, 2020, and said Ordinance was thereupon adopted by the following roll call vote.

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor