

7a.

**GUADALUPE POLICE DEPARTMENT
MONTHLY ADMINISTRATIVE OPERATIONAL DATA SUMMARY
MONTH OF FEBRUARY 2020**

PART I: CRIMES

TYPE OF CRIMES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED	REPORTED	CLEARED
187 PC HOMICIDE	0	0	0	0	0	0	0	0
261 PC RAPE	0	0	0	0	0	0	0	0
211 PC ROBBERY	0	0	0	0	0	0	0	0
242/246 PC ASSAULT	5	5	5	4	8	8	7	6
469 PC BURGLARY	2	1	1	0	4	1	2	1
484/487 PC THEFT	5	0	1	0	6	0	1	0
10861 VC VEH THEFT	2	2	2	0	5	4	2	0
461 PC ARSON	0	0	0	0	0	0	0	0
TOTAL	14	8	9	4	23	13	12	7

PART II: REPORTED CRIMES

REQUEST FOR SERVICE	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR TO DATE	LAST YEAR TO DATE
TOTAL REPORTS TAKEN	86	68	152	119
TOTAL REQUEST FOR SERVICE	278	143	568	324
TOTAL ACTIVITY FOR THE MONTH	364	211	720	443
DOMESTIC VIOLENCE REPORTS	0	3	0	4
TOTAL PROPERTY STOLEN	\$2,709	\$1,845	\$3,739	\$4,390
TOTAL PROPERTY RECOVERED	\$0	\$0	\$0	\$2,545

PART III: ARREST SUMMARY

OFFENSES	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES	ADULTS	JUVENILES
FELONY	6	1	10	0	17	2	14	0
MISDEMEANOR	13	0	5	6	24	0	13	9
TOTAL	19	0	15	6	41	2	27	9
23152(a&b) VC ARREST	3		2		7		6	
WARRANT ARREST	1		2		5		4	

NOTE: DUI AND WARRANT DATA ARE INCLUDED IN ABOVE ARREST TOTALS

**GUADALUPE POLICE DEPARTMENT
MONTHLY ADMINISTRATIVE OPERATIONAL DATA SUMMARY
MONTH OF FEBRUARY 2020**

PART IV: NARCOTICS ACTIVITY

TYPE OF NARCOTICS	THIS MONTH		THIS MONTH LAST YEAR		THIS YEAR TO DATE		LAST YEAR TO DATE	
	REPORTED	ARREST	REPORTED	ARREST	REPORTED	ARREST	REPORTED	ARREST
HEROIN	0	0	0	0	0	0	0	0
COCAINE	1	1	0	0	1	2	0	0
METHAMPHETAMINE	0	0	0	0	2	2	0	0
MARIJUANA	0	0	5	5	0	0	8	8
PARAPHERNALIA	0	0	0	0	2	2	0	0
TOTAL	1	1	5	5	5	6	8	8

PART V: SPECIAL DATA

	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR TO DATE	LAST YEAR TO DATE
OFFICERS ASSAULTED	0	0	0	0
INJURED ON DUTY	0	0	0	0

ADDITIONAL INFORMATION:

STAFFING:	1	POLICE CHIEF		
	2	POLICE SERGEANT	1 UNFILLED POSITION	
	12	POLICE OFFICERS	1 UNFILLED POSITIONS	
	2	OFFICE STAFF PERSONNEL		
	5	RESERVE POLICE OFFICERS	4 UNFILLED POSITION	
	1	COMMUNITY SERVICE TECHNICIAN	FULL TIME POSITION UNFILLED AS A PART-TIME POSITION	
	0	EVIDENCE TECHNICIAN	UNFILLED POSITION	
	2	POLICE VOLUNTEER(S)		

COMMENTS:



GUADALUPE FIRE DEPARTMENT



TO: PUBLIC SAFETY DIRECTOR, MICHAEL CASH
FROM: CAPTAIN PATRICK SCHMITZ
SUBJECT: MONTHLY SUMMARY OF CODE ENFORCEMENT CASES
 February 1, 2020 – February 29, 2020

DATE: 03/01/2020

CODE ENFORCEMENT CASES

INCIDENT TYPE	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Business License (GMC 5.04.040)	0	0	0	14
Animal Nuisance (Odor, Noise) (GMC 6.04.100 (A,E))	3	0	6	1
Fowl, Livestock and Wild Animals (GMC 6.04.210)	0	0	2	3
Litter Accumulation (GMC 8.12.020)	3	3	14	43
Abatement of Weeds and Rubbish (GMC 8.16.010)	0	0	9	30
Unsafe Living Conditions (GMC 8.40.020)	0	0	0	2
Unlawful Property Nuisance (GMC 8.50.070)	0	1	8	20
Graffiti Abatement (GMC 9.07.060)	2	1	5	10
Abandoned Vehicles (GMC 10.36.010)	7	5	26	57
Unapproved Vehicle Covers (GMC 10.36.010)	0	1	4	0
Portable/fixed basketball goals (GMC 10.48.050)	0	0	6	0
Yard Sale Signs (GMC 12.13.010)	0	0	3	11
Tampering with Water Service (GMC 13.04.200)	0	0	0	0
Working Without Permits (GMC15.04.020)	0	0	1	10
Address Number (GMC 15.08.020 (505.1))	3	0	5	22
Illegal Garage Conversion (GMC 18.08.120, 18.08.160)	0	0	0	2
Damage Fence (GMC 18.52.125)	0	0	0	2
Parking on Front Yard Setback (GMC 18.60.035)	3	6	39	74
Landscape Maintenance Required (GMC 18.64.120)	8	0	14	28
Inspection/Complaints (No Violation Found)	2	3	11	5
Apartment Inspections	0	0	84	258
Yearly Business Inspections	0	4	40	57
Other	2	2	26	49
TOTAL	33	26	303	698
Complaints Received (November – February)	5	6	27	N/A

Miscellaneous	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Visitors	107	77	743	876
Public Relations ()	7	0	15	11
School Visits ()	2	0	3	9

CALLS FOR SERVICE February 2020

INCIDENT TYPE	This Month	Last Month	Year to Date (2019-2020)	Year to date (2018-2019)
Medical	27	40	268	221
Structure Fire	0	0	0	2
Cooking Fire	0	0	1	1
Trash or Rubbish Fire	0	2	3	2
Vehicle Fire	0	0	1	2
Grass/Vegetation Fire	0	0	4	0
Other Fire	0	0	1	3
Motor Vehicle Accidents with Injuries	3	1	19	16
Motor Vehicle Accidents No Injuries	2	2	12	20
Motor Vehicle/Pedestrian Accident	0	0	1	4
Hazardous Materials Spill/Release	0	0	7	4
Hazardous Condition Other	0	1	3	17
Water Problem/Leak	1	1	3	10
Animal Problem / Rescue	1	0	2	2
Search / Rescue	0	0	0	1
Public Assistance	2	0	15	24
Police Matter/Assistance	0	0	5	5
Illegal Burn	0	0	0	0
Smoke/CO Detector/Fire Alarm Activation	1	2	8	12
Dispatch and Canceled En-route	2	3	29	30
False Alarm	0	0	7	6
TOTAL	39	52	389	382

Additional Information

STAFFING: 1 Public Safety Director (Police/Fire Chief)
 3 Fire Captains
 3 Fire Engineers
 1 Permit Tech/Firefighter
 4 Paid Call Firefighters 8 Positions Vacant
 2 Reserve Firefighters

Special Coverage:

7b.



CITY OF GUADALUPE
918 Obispo Street
Guadalupe, CA 93434
P: (805) 356-3895
F: (805) 343-0542
Finance Department

Memorandum

To: Todd Bodem, City Administrator
From: Anna Marie Santillan Michaud, City Treasurer
Subject: Treasurer's Report – February
Date: March 20, 2020

This memo explains the changes in the monthly Treasurer's report for February 2020 compared to the prior month. February 2020 cash increased by due primarily to:

- First American Title Rehab Loan payoff \$30,000.00
- Guadalupe Acres \$ 4,900.00
- State of CA Fire Reimbursement \$35,870.00
- CDBG Reimbursement \$63,277.00

Treasurer's Report
Investments and Cash as of February 29, 2020

Local Agency Investment Fund ("LAIF") Account 98-42-346	\$ 7,879,483.04
Total Investments	\$ 7,879,483.04

Cash	
Checking Account 155-503815 ("Warrant Account")	\$ 591,634.16
Checking Account 155-003261 ("Payroll Account")	\$ 86,165.23
Total Cash	\$ 677,799.39 *

*Actual ending balances reconciled to Bank Statements

The following is a summary of the City's cash and investments as of February 29, 2020 compared with the prior month.

Investments and Cash	January 31, 2020	February 29, 2020
Investments	7,879,483.04	7,879,483.04
Cash	385,819.06	677,799.39
Total	\$ 8,265,302.10	\$ 8,557,282.43 **

** Total Cash and Investments agree to General Ledger.

Note 1: Monies held in the non-commingled and trust accounts are required to be kept separate from all other city funds.

Submitted: 3/20/2020


Anna Marie Santillan Michaud
 City Treasurer



7c.

Human Resources
918 Obispo Street
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Email: villegas@ci.guadalupe.ca.us

HUMAN RESOURCES MONTHLY REPORT FEBRUARY 2020

RECRUITMENT

- Police Officer

Edwin Reyes was sworn in on 1/23/20 as a full-time Police Officer.

Michael Beers was extended an offer of full-time employment which he accepted. He is to be sworn in on 3/10/20. This offer is contingent on his going through classroom study to recertify his Basic P.O.S.T. certification. He is enrolled in San Jose Regional Public Safety Consortium for about a two-week curriculum.

One candidate has a psychological evaluation scheduled for 3/04/20.

- Paid-Call Firefighters

The background on a PCF candidate was completed. Candidate was contacted to schedule an appointment for a physical/screen in early March.

- Human Resources Manager

An offer was extended to Emiko Gerber which was accepted with a start date of 3/09/20.

OTHER:

- Workers' Compensation

One new work-related injury was reported. No medical treatment required and no lost time. Two other employees are working with modified restrictions which do not hinder their performing their job duties. Both are anticipated to receive full releases in March.

**HR Monthly Report
February 2020**

- Workers' Compensation (cont'd)

The previously reported employees who have been off for extended periods of time continue to remain off. A meeting is scheduled for one of those employees to determine if the employee can or cannot return to work with the noted permanent and stationary work restrictions.

- Training

"Preventing Harassment & Discrimination in the Workplace" has been scheduled for all employees, supervisors, local officials. (In last month's report, it stated that contracted staff would also be included in this training which is no longer the case.)

Two sessions are scheduled on March 12th: one for General Employees and the second one for Managers/Supervisors & Local Elected Officials. The third session is scheduled for March 17th for General Employees.

- On February 25th Tim Karcz, the City's Senior Risk Manager with CJPIA, did conduct an ergonomic study of eight (8) work stations. He is expected to send a summary of evaluations sometime in mid-March.
- An HR audit is being performed to ensure that all employees who are in positions that require certifications have such certifications in their HR files.
- Continued review of the Memorandum of Understanding draft for Fire.



7d.

Recreation and Parks
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**RECREATION AND PARKS MONTHLY REPORT
 February 2020**

Summary of Rentals/Usage for City Facilities & Parks

FACILITY	THIS MONTH	THIS MONTH LAST YEAR	THIS YEAR- TO-DATE (FY 19/20)	LAST YEAR- TO-DATE (FY 18/19)
Auditorium/Gym	45	33	275	160
O'Connell Park	0	0	7	12
LeRoy Park	0	0	3	2
Senior Center	39	1	160	29
City Parking Lot	0	0	7	3
Council Chambers	8	9	83	59

The above Council Chamber totals include formal City Council Meetings and 6 other separate meetings / interviews conducted by staff.

As expected in February we continued to experience an extreme increase in the use of our City Hall Auditorium due to School, Youth Basketball and Youth Wrestling and other activities. The same will not be true for the month of March since the school and youth basketball activities will have ended. We also anticipate that Auditorium use would decrease while the floor renovation takes place.

Our City Recreation and Parks Department continued in the collaborative effort with The Boys & Girls Club of the Mid Coast to host youth basketball games and practices. As I understand a couple of local teams reached the league playoffs in February. In the Boys 7th and 8th grade divisions and also in the Boys 3rd and 4th grade division. Our own Chief Mike Cash's team reached the quarter finals of the league Championship. While the 7th

and 8th grade Boys were league Champions. Congratulations to both team and all others coaches and players who participated this year.

In addition, in the local Jr High circuit, the McKenzie Intermediate School Boys and Girls basketball teams have just about finished with their basketball seasons. Both teams have had a very successful, fun filled seasons to remember.

The Guadalupe Wrestling Club continues to practice diligently gearing up for their upcoming season and matches. As previously reported the program's coordinator- Ivan Cardenas has quite a few young novice wrestlers whose numbers continue to grow. Recently the club was represented by a couple of wrestlers who participated on High school wrestling program at Righetti High School. In fact, a couple of his club members reached the High School League Finals and participated at CIF finals for individual championships. Ivan was very proud of the girls and especially his daughter who was one of those girls. Hopefully we will be receiving more information about the Club's participants and on the club's schedule.

The Recreation and Parks Commission continues to meet monthly and have recently recommended to the City Council the appointment of a new Recreation Commissioner to succeed Commissioner Dominic Almaguer, who recently resigned his 2-year position. The Commission has recommended that Robert Salinas Jr be appointed to fill the vacant 2-year position. The Commission continues to stay interested regarding the LeRoy Park renovation project along with other developments that concern the Recreation and Parks department. The Commission recently recommended that the City Council consider a change with respect to a new facility use fee schedule. The Commission is also taken a keen interest on the City's continued ongoing negotiations with The American Legion Post 371 on the usage of the City Veterans Hall. The Commission is also very aware of the concerns voiced by the Riverview and Pasadera neighborhood groups have about providing additional recreation and parks opportunities and will consider establishing an adhoc committee(s) to study the recreational needs and requests by these neighborhoods.

In the months to come the Recreation and Parks Commissioners and I along with help from our City staff personnel hope to provide more information and updates on the City's ongoing Recreation and Parks opportunities as they occur especially concerning the various Non-Profit, fraternal and social organizations operating throughout the City. The Commission is also excited about the City Hall Auditorium floor renovation that will take place in late February and be completed by March 14th this year.

Respectfully,

Charlie Guzman
City of Guadalupe
Recreation Coordinator



REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of March 24, 2020


Prepared by:

Todd Bodem, City Administrator

SUBJECT: Continuance of Public Hearing on Proposed Sign Ordinance

RECOMMENDATION:

It is recommended that the City Council continue the public hearing on the proposed sign ordinance until the Council's meeting on April 28, 2020.

BACKGROUND:

We are living in extraordinary times. We are in the midst of a public health emergency related to the novel coronavirus (COVID-19) that is rapidly changing and significantly impacting our daily lives. Prior to the issuance of any specific directives concerning COVID-19 by any federal, state, or local governmental agency, the City sent a public notice advertisement to the Santa Maria Times on March 11, 2020, concerning a new, proposed sign ordinance that would be considered by the City Council at its meeting on March 24, 2020. On that same day (March 11, 2020), Governor Gavin Newsom and California Public Health officials recommended that non-essential gatherings of 250 persons or more should be postponed or cancelled across the state, and that smaller gatherings implement six foot "social distancing" between participants at least until the end of March. The next day, on March 12, 2020, Santa Barbara County declared a local health emergency implementing these recommendations.

Several days later, on March 15, 2020, the County had its first reported case of COVID-19, and Governor Newsom issued new restrictions, including home isolation for everyone over 65 or those with chronic diseases; visitors to nursing homes were to be prohibited with the exception of end-of-life circumstances; bars, wineries, night clubs and brew pubs were to close; and restaurants were to reduce their occupancy by half so that social distancing of six feet between persons could be accommodated. Two days after that, on March 17, 2020, the County reported its second confirmed case of COVID-19, and Governor Newsom recommended that restaurants and other food facilities offering on-site dining should immediately transition to only offering delivery or take-out service. On March 18, 2020, Governor Newsom indicated that all schools would likely be closed for the remainder of the school year.

On March 16, 2020, in an attempt to comply with the guidelines for public health recommended by the County and the State, the City issued a press release to inform the public that City facilities would be

temporarily closed at least until the end of March as a precautionary measure to help to protect the public and City employees, although the City would continue to provide all essential services through the use of telephone, email, and online services. The press release also advised that City Hall would be open at 6:00 p.m. on Tuesday, March 24th for the scheduled City Council meeting, but in accordance with the new guidance from the State and due to the requirements for social distancing, there would be limited capacity for public attendance. Community members were encouraged to watch City Council meetings live on the cable channel and to submit written public comments in advance.

DISCUSSION:

The proposed sign ordinance, while important, is not an essential item that requires the City Council's immediate action. Moreover, this particular item has potentially wide-ranging implications for the City's business community, and for that reason, is likely to generate significant interest from the business community, and it is likely that a significant number of persons will want to give input to the City Council on it. The fact that this could result in more persons wanting to attend the meeting than would otherwise be likely to attend the meeting conflicts with the City's stated goal to limit the number of persons attending the City Council meeting on March 24th. Since it is a non-essential item, staff recommends that the Council continue the hearing on the proposed sign ordinance to the Council's meeting on April 28, 2020. If the situation has improved and the concerns about public gatherings has lessened by that time, the public hearing can take place. If not, then the Council can continue the public hearing again at that time.

Moreover, this is a complicated matter with potentially significant impacts on the business community, and therefore, the additional time interested persons will now have to review the proposed ordinance will be beneficial to the community. For this reason, staff has released a copy of the proposed sign ordinance (attached hereto as Attachment No. 1) for public review.

ATTACHMENT:

1. Ordinance No. 2020-484 entitled: "An Ordinance of the City Council of the City of Guadalupe, California, to Repeal the Existing Sign Ordinance (Sections 18.52.140 – 18.52.160) and Amend the City of Guadalupe Municipal Code by Adding Chapter 18.51 Regarding Signs".

ORDINANCE NO. 2020-484

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, TO REPEAL THE EXISTING SIGN ORDINANCE (SECTION 18.52.140 – 18.52.160) AND AMEND THE GUADALUPE MUNICIPAL CODE BY ADDING CHAPTER 18.51 REGARDING SIGNS

The City Council of the City of Guadalupe, State of California, does ordain as follows:

WHEREAS, the State Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the General Plan and implementation of the Plan through the administration of the zoning ordinance among other documents (Government Code Sec. 65103 (b)); and

WHEREAS, the City Council recognizes that the City's zoning ordinance was adopted in February 1980, over 40 years ago, and that except for several amendments and additions over the past few years, many sections of the ordinance are outdated, internally inconsistent, and do not reflect mandatory State regulations that have been enacted over the years; and

WHEREAS, staff is systematically reviewing and amending the zoning ordinance to ensure that the final version reflects the desire of City Council to provide the most accurate document to describe and regulate development within the City; and

WHEREAS, public notice pursuant to Government Code section 65090 was given on March 14, 2020.

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

SECTION 1. Sections 18.52.140 – 18.52.160 of the Guadalupe Municipal Code are hereby repealed in their entirety as follows:

~~18.52.140 — Signs — Permits required.~~

~~———— A zoning permit shall be required prior to the construction of any sign structure in excess of 5 square feet in area, or the painting of a sign on the side of a building where the perimeter of the sign encloses an area exceeding 5 square feet. Where a conditional use permit is required, all signing shall be considered as a part of the conditional use permit application.~~

~~18.52.150 — Signs — Size and number restrictions.~~

~~———— A. — In all districts, one sign not over 5 square feet in area and used only to identify the occupants of the property, or to indicate that the property is for sale, lease or rent is permitted. House numbers shall not be considered signs.~~

~~_____ B. _____ In R-3, G-C, M-C, and G-I districts, one additional sign not more than 64 square feet in area identifying a permitted use is permitted. A double-faced sign containing 64 square feet on each side is permitted.~~

~~**18.52.160 Signs—Conditional use permit required.**~~

~~_____ All signs or sign structures in addition to or larger than those listed as permitted in this title are permitted subject to first obtaining a conditional use permit.~~

SECTION 2. Chapter 18.51 of the Guadalupe Municipal Code is hereby added to read as follows:

CHAPTER 18.51 SIGNS

Section 18.51.01. Purpose.

The purpose of this Chapter is to regulate signs located on private property within the City and on property owned by public agencies other than the City and over which the City has zoning and land use regulatory power.

Section 18.51.02 Objectives.

Signs can have either a positive or negative impact on the character and quality of the City. As a prominent part of the scenery, they attract or repel the viewing public, affect the safety of vehicular traffic, and set the tone of a neighborhood and the City. The objectives of this Chapter include the following:

A. To implement the City's community design and safety standards as set forth in the City's General Plan, and Municipal Code.

B. To maintain and enhance the City's appearance by regulating the design, character, location, number, type, size, illumination, and maintenance of signs.

C. To serve the City's interests in maintaining and enhancing its visual appeal for residents, tourists, and other visitors, by preventing the degradation of visual quality which can result from excessive and poorly designed, located, or maintained signage.

D. To generally limit commercial signage to on-site locations in order to protect the aesthetic environment from the visual clutter associated with the unrestricted proliferation of signs, while providing channels of communication to the public.

E. To limit the size, number, and construction of signs to levels that reasonably allow for the free communication of ideas, consistent with the other purposes of this ordinance.

F. To encourage signs that are appropriate to the zoning district in which they are located and consistent with the permitted and conditional uses applied to the subject property.

G. To establish sizes of signs in relationship to the scale of the lot and building on which the signs are to be placed or to which they pertain.

H. To minimize the possible adverse effects of signs on nearby public and private property, including streets, sidewalks, roads, and highways.

I. To protect and improve pedestrian and vehicular safety by balancing the need for signs that facilitate the safe and smooth flow of traffic (e.g., directional signs and on-site signs) without an excess of signage which may distract drivers or overload the mental capacity to quickly receive and interpret information.

J. To reduce hazardous situations, confusion, and visual clutter caused by the proliferation, placement, illumination, animation and excessive height, and area and bulk of signs which compete for the attention of pedestrians and motorists.

K. To respect and protect the right of free speech by sign display, while reasonably regulating the structural, locational, and other non-communicative aspects of signs, generally for the public health, safety, and welfare, and specifically to serve the public interests in community aesthetics, traffic, and pedestrian safety.

L. To enable the fair, consistent, and effective enforcement of the sign regulations of the City.

Section 18.51.03. Definitions.

The definitions listed below supplement those set forth in Chapter 18.08 with Illustration A and B (located in the Appendix at the end of this Chapter) depicting examples of certain types of signs:

A. Balloon or Blimp: An airtight bag, possibly rigid or semi-rigid, which will rise and float above the earth when filled with hot air or gas.

B. Banner: A type of temporary sign made of paper, cloth, flexible plastic or similar material.

C. Bow/Feather Sign: Any variety of fabric signs as shown in Illustration A, commonly called but not limited to bow, feather, tear drop, etc. that display a message, supported by a horizontal or vertical pole of various lengths.

D. Bulletin Board: A permanently constructed sign containing a surface area that may have interchangeable letters, words, or numerals.

E. Building Face: The exterior surface of any building, regardless of frontage.

F. Building Occupancy Frontage: The length of that portion of a building occupied exclusively by an individual tenant or owner which faces the public right-of-way.

G. Building Official: A title recognized by the City of Guadalupe and the International Code Council (ICC) responsible for interpretation, effectuation and

enforcement of the California Building Codes, including, but not limited to, the International Building Code (IBC).

H. Canopy/Awning Sign: A sign mounted or painted on a canopy or awning.

I. Commercial Sign: Any sign, wording, logo, picture, transparency, mechanical device, or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, goods, service, or other commercial or industrial activity for a commercial or industrial purpose.

J. Construction Project or Subdivision Sign: A sign erected in conjunction with a construction project.

K. Directional Structure: A noncommercial, on-site structure, the purpose of which is to facilitate safe vehicular or pedestrian travel by directing pedestrians or vehicles to specific on-site locations, such as parking spaces, special drive-up or walk-up services, exits, and public restrooms.

L. Director: Currently the Contract Planning Director of the City.

M. Directory Sign: A wall or monument sign that may list the names of businesses in an office or retail complex and the corresponding building, suite or room number/letter. In multi-family residential areas, the sign can be used for identifying apartment buildings and unit numbers.

N. Freestanding Sign: A sign not attached to a building that is constructed upon, or affixed to, the ground by means of two or more columns or similar structural components.

O. Height of Sign, Maximum: The distance from the lowest adjacent finish grade within three feet of the base of the sign to the top of its highest element.

P. Illuminated Sign - External: A sign which is illuminated by use of lighting from a source outside of the sign.

Q. Illuminated Sign - Internal: A sign which is illuminated by use of lighting installed inside the sign.

R. Institution: All governmental, religious, and charitable organizations.

S. Master Sign Plan: A plan outlining the design, location, size, number, materials, and construction of sign structures for any multi-tenant or multi-building site in order to ensure continuity of design within the project and to provide for equitable distribution between tenants of allowable sign area.

T. Memorial Signs or Tablets: Signs or tablets cut into masonry surfaces or constructed of bronze or other incombustible materials mounted on a solid base, affixed to a building, or on one or more uprights.

U. Mobile billboard advertising display: An advertising display that is attached to a wheeled, mobile, non-motorized vehicle, that carries, pulls, or transports a sign or billboard, and is for the primary purpose of advertising in accordance with Section 395.5 of the California Vehicle Code and sections amendatory or supplementary thereto.

V. Monument Sign: A sign affixed to a solid base and installed on a landscaped, concrete or other solid surface on the project site.

W. Noncommercial Sign: A sign that does not name, advertise, or call attention to a commercial or industrial business, commodity, product, goods, service, or other commercial or industrial activity for a commercial or industrial purpose.

X. Off-Site Sign: A commercial sign not located on the site of the business or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained.

Y. On-Site Sign: A commercial sign which directs attention to a commercial or industrial occupancy, business, commodity, product, goods, service, or other commercial or industrial activity conducted, sold, or offered upon the site where the sign is maintained. For purposes of this Chapter, all signs with noncommercial speech messages shall be deemed to be on-site, regardless of location.

Z. Parcel Frontage: The length of the property line abutting the public right-of-way for the parcel of land measured in linear feet.

AA. Painted Sign: A sign that is painted directly on a wall or other surface, and does not project from the surface to which it is applied.

BB. Parking Lot Light Banner: A banner sign attached to the vertical portion of a privately-owned parking lot light standard, suspended between horizontal supports. For the purpose of this Chapter, a parking lot light is defined as a vertical pole of varying height supporting a luminaire or mast arm.

CC. Permanent Sign: Any sign which is constructed to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall, or building.

DD. Projecting Sign: A sign attached to, and projecting from, the face of the roof of a structure, canopy, or marquee.

EE. Pole/Pylon Sign: Any freestanding sign where the structural support for the sign is generally a single exposed pole.

FF. Roof Sign: A sign erected upon a roof or eave of a roof, or erected upon an awning of a structure, which is wholly or partially supported by said structure and includes a sign projecting above the eave or parapet of a roof.

GG. Sandwich Board Structure: A small, single or multi-sided type of sign placed on the ground, also referred to as an "A-sign".

HH. Sign: Any device, fixture, placard, or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which can be viewed from any public street, road, highway, right-of-way, parking area or public space.

II. Triangle Pennant Sign: A triangle-shaped piece of plastic or cloth material connected to a cord including a single color or multiple colors that repeat for the length of the cord, and is used to draw attention to businesses such as vehicle sales lots.

JJ. Valet Sign: A moveable support structure which contains a single support element or post used to display signage not permanently affixed to the ground.

KK. Nonconforming Sign: A sign which existed as a legal sign prior to the effective date of the ordinance codified in this Chapter which is in conflict with the provisions of this Chapter.

LL. Sign Structure: A structure which supports a sign.

MM. Sign Tower: An architecturally designed structure not exceeding 25 feet in height that can be permitted in the C-S-SP and C-N-SP zoning districts subject to a Design Review Permit or Conditional Use Permit.

NN. Temporary Sign: A sign constructed of expendable material such as paper, plastic, cloth, or wood intended to be displayed for a short period of time. Pennants, banners, and similar devices are also included in this category. Temporary signs may serve many functions such as grand opening signs or political signs.

OO. Wall Sign: A sign which is attached directly to, and parallel with, the building face or painted upon the wall or marquee of a building or structural part thereof.

PP. Window Sign: A sign painted, printed, attached, unattached but adjacent, glued, hung or otherwise affixed to a window so that it is visible from the exterior of the building. A window sign is a type of wall sign and may be located inside or outside of a building and either shall constitute a sign and is subject to the provisions of this Chapter.

QQ. The following are not within the definition of sign for the regulatory purposes of this Chapter:

1. Any public or legal notice required by a court or public agency;
2. Decorative or architectural features of building, except letters, trademarks, or moving parts;
3. Time and temperature devices;
4. Signs on street legal vehicles, license plates, license plate frames, registration insignia, including noncommercial messages, messages relating to the business or service of which the vehicle is an instrument or tool (not including general advertising), and messages relating to the proposed sale, lease, or exchange of the vehicle;
5. Traffic, directional, emergency, warning or informational signs required or authorized by a governmental agency having jurisdiction;
6. Permanent memorial or historical signs, plaques, or markers that comply with Section 18.51.03;
7. Public utility signs; and

8. News racks.

Section 18.51.04. General Requirements.

A. **Applicability.** This Chapter regulates signs located on private property within all zoning districts of the City and on property owned by public agencies other than the City and over which the City has zoning and land use regulatory power. Except where otherwise expressly provided in this Chapter, all signs located in such areas of the City shall receive zoning clearance for signs or a master sign plan as provided in subsection B of this Section, and shall be erected and maintained in conformity with this Chapter. The consent of the property owner is necessary before any sign may be erected on any private property within the City.

B. **Zoning Clearance for Signs Required.** Except as otherwise provided in this Chapter, it is unlawful for any person to place, erect, structurally or electrically alter (not including a change in sign copy or sign face), move or display or maintain any temporary or permanent sign without first obtaining a zoning clearance for signs from the Director or his/her designee in accordance with the provisions of this Chapter. No zoning clearance for signs is required for cleaning or other normal maintenance of a properly approved sign, unless a structural or electrical change is made.

C. **Master Sign Plan Required.** On a multi-tenant building or multi-building site, a master sign plan shall be prepared by the owner for review and approval by the Director or his/her designee in accordance with Section 18.51.07. The purpose of the master sign plan is to ensure compliance with this Chapter, promote continuity of sign design and to spread the amount of sign area permitted among the buildings and businesses within a multi-tenant building or multi-building site. Temporary signage may be allowed in accordance with Section 18.51.05.D upon the approval of a complete master sign plan.

D. **Noncommercial Signs.** Noncommercial signs are allowed whenever commercial signage is permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this Chapter. For purposes of this Chapter, all noncommercial free speech messages are deemed to be on-site, regardless of location.

E. **Substitution of Noncommercial Message.** Subject to the consent of the property owner, a noncommercial message of any type may be substituted for all or part of the commercial message on any sign allowed under this Chapter. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, size, locational, and structural regulations (e.g., color, materials, height, size, illumination, maintenance, duration of display, etc.) as well as all building and electrical code requirements, as would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between

the general provisions of this subsection and any other specific provisions in this Chapter, the provisions of this subsection shall prevail.

F. Substitution of Commercial Messages. Substitution of a commercial message is not automatically allowed in a place where only a noncommercial message is allowed. In addition, no off-site commercial messages may be substituted for on-site commercial messages.

G. Construction Materials. All permanent signs shall be constructed of wood, metal, plastic, ceramic tile, glass or like material (or paint on a building such as a painted wall sign) as approved by the Planning Director.

H. Area of Signs.

1. A "double-face sign" with parallel planes, back-to-back, not more than 24 inches apart, shall count as a single sign and only one side shall be counted for the total sign area.

2. In the case of a multi-face sign other than a double-faced sign, the outer dimensions of all the sign faces shall be combined. The sign area shall be the total area of all the faces.

3. In the event a sign falls under more than one sign definition, the more restrictive sign regulations found in this Chapter shall apply.

4. Sign face changes to a legally established sign which do not structurally alter the sign (including sign area and configuration) shall not require a zoning clearance for signs.

5. The total sign area allowed on a parcel shall be calculated as the sum of the sign areas of all signs on the parcel except directional structures and temporary signs.

6. The total sign area allowed on a parcel shall be up to one square foot of sign area for each lineal foot of building occupancy frontage or parcel frontage, whichever is greater, except that all properties are allowed a minimum of 25 square feet of sign area regardless of the building or parcel width. The Director or his/her designee, through the zoning clearance for signs process, shall determine whether proposed sign area is compatible with the proposed architecture of the building and with other properties in the vicinity. Sites with multiple tenants shall be required to submit a master sign program, for approval by the Director or his/her designee, to determine the share of total sign area for each tenant space.

a. Parcels adjacent to more than one public street, public alley, or freeway may be allowed to count each frontage toward the total sign area for the parcel. As part of the zoning clearance for signs review process, the Director or his/her designee shall ensure that the sign area is appropriately distributed among said frontages in order to avoid signs that are visually out of proportion with each particular building face.

b. Bonus Sign Area: The total sign area may be increased by 25% for that portion of a building that has a height of 20 feet or more of habitable interior space. As part of the zoning clearance for signs review process, the Director or his/her designee

shall ensure that the amount of the bonus sign area allowed does not result in signage that is out of proportion with the building.

7. The area of a sign shall be calculated by forming a box to enclose the entire sign. The box must be a continuous line consisting of not more than eight straight lines that form right angles. The area within the box shall be the sign area.

8. The supporting structure of any sign, including monument base or masonry veneer, shall not be included in determining the sign area.

I. Location. All sign structures shall comply with sight distance requirements for corner visibility of pedestrians and vehicles per Resolution No. 2009-24 (adoption of Santa Maria City Roadway Standards Manual, including corner cutbacks).

J. Architecturally Designed Sign Towers along Primary Arterial Streets. The City Council, through a Design Review Permit or Conditional Use Permit may permit, or conditionally permit, sign towers in the C-S-SP and C-N-SP zoning districts along primary arterial streets as defined in the Circulation Element of the General Plan. The sign towers shall not exceed a height of 25 feet above finished grade. The total sign area shall not be greater than 200 square feet per tower with signs permitted on up to four sign faces. The design of the sign towers must be consistent with the adopted Specific Plan for the area. The sign tower must make a positive design statement for the City of Guadalupe, be architecturally compatible with the architecture of the adjoining buildings, and must include substantial adjacent landscaping.

K. Illumination. Illumination shall be allowed on all signs upon the approval of zoning clearance for signs. Illuminated signs may be lighted either by exterior or interior means. Illuminated signs shall be designed in such a manner as to avoid glare or reflection of light on private property in the surrounding area or onto public rights-of-way. Illumination of signs shall comply with all adopted building codes of the City of Guadalupe.

L. Limitation on Number of Signs Affixed to a Building. Up to four signs may be permitted on any building face for a single tenant, subject to a determination by the Director or his/her designee that the proposed signage does not clutter the building face.

M. Maintenance. All signs shall be maintained in a neat and orderly appearance, including, but not limited to, repairing all holes, tears, fading, chipping, structural defects, and partial or full loss of illumination.

Section 18.51.05. Standards by Sign Type.

A. Wall Sign.

1. Maximum Height: Not to exceed the eave or parapet of the roof.
2. Permitted Zones: All Commercial, Industrial, PF, Open Space, Mixed-use, and Multi-family zone districts.
3. A wall sign may encumber no greater than 80% of the building street frontage width.

4. Window signs may not exceed 25% of an overall window area per building face. When any window area is displayed with a sign(s) in excess of 30 days per calendar quarter, or there is a change in the sign(s) with any number of different signs displayed in that same window for more than 30 days per calendar quarter, such window sign(s) shall be deemed a permanent sign and shall be counted against the total allowed sign area.

5. A wall sign may not exceed 25% of an overall window area per building face.

6. Zoning clearance for signs needed: Yes.

B. Monument Sign.

1. Maximum Height: Six feet in residential zones; eight feet in commercial or industrial zones, as measured from adjacent finished grade.

2. Monument signs may be placed on landscaped mounds. All landscaped mounds shall comply with the development standards of Chapter 18.64 (landscaping) providing that mound slopes may not be steeper than 2 to 1 and no higher than three feet.

3. Monument Base: A monument sign must be supported by a solid base equal to or greater than 60% of the sign width obscuring one or more upright supports.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, and Open Space districts. Permitted in Residential zone districts with Master Sign Plan.

5. The maximum monument sign area shall be 50 square feet in all commercial, industrial, open space, public facilities. The maximum monument sign area shall be 35 square feet in all residential zoning districts.

6. Number of monument signs permitted shall be limited to one monument sign for each 125 linear feet of parcel frontage along a public street except that, upon the request of the applicant, monument signs closer to each other than an aggregate of 125 linear feet of parcel frontage along a public street shall be permitted when within 50 feet of the main entrances/exits of developments, such as a shopping center or office complex. Through the zoning clearance for signs review process, the Director or his/her designee will ensure the location of monument signs do not create an appearance of clutter along the street. In multi-family residential zones, monument signs may be permitted throughout the development provided the cumulative sign area is not exceeded for the project.

7. Zoning clearance for signs needed: Yes.

C. Directional Structures.

1. Maximum Height: Four feet for ground-mounted structures.

2. Maximum Area: Four square feet for ground-mounted structures; six square feet for wall-mounted structures.

3. Special Limitation: Directional structures shall only contain the information stated in Section 18.51.03.K.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, Open Space, and Multi-family zone districts.

5. Permit needed: Yes.

D. Temporary Sign/Banner.

1. Maximum Height: Not to exceed roof eave line of nearest building or building to which it is affixed.

2. Maximum Area: A banner or temporary sign may be installed at a ratio of 32 square feet of sign area (in commercially or industrially zoned properties), or six square feet of sign area (in residentially zoned properties) for each 75 feet of width of the side(s) of a building facing a public street. For instance:

Building Width (feet)	Sign Area (square feet)	Sign Area (square feet)
	Commercial/Industrial Zones	Residential Zones
75	32	6
150	64	12
225	96	18
300	128	24

3. Permitted Zones: All Residential, Commercial, Industrial, PF, Mixed-use, and Open Space districts zones.

4. Permitted Time: Temporary signs may be displayed for up to two 30-consecutive-day periods during a six-month time frame, not exceeding 120 display days within 12 months. The applicant shall specify the desired dates of display, any consecutive period(s) for display, and the 12 months within which the display will occur on the application for temporary zoning clearance for signs. A temporary zoning clearance for signs may be renewed upon expiration of the 12 months specified in a temporary sign application. All temporary signs shall be removed from the property within 5 days of the expiration date of the permit.

5. Banners shall be made of flexible, non-rigid material that cannot support itself.

6. Temporary signs shall not be subtracted from the total allowable permanent sign area.

7. A maximum of two temporary signs may be permitted as long as the total allowable temporary sign area is not exceeded.

8. Temporary signs are permitted on vacant lots and are subject to all other applicable provisions of Section 18.51.03.GG

9. Zoning clearance for signs needed: Yes (no fee permit).

E. Projecting Sign.

1. **Maximum Height:** Not to exceed eave or parapet line of wall or structure to which projecting sign is attached (Note: Bottom of sign shall be a minimum of eight feet from ground to provide proper clearance.)

2. **Permitted Zones:** All Commercial, Industrial, PF, Mixed-use, and Open Space zone districts.

3. **Location:** Projecting signs may extend over public rights-of-way including public sidewalks not to exceed one-half of the distance from the building face to which the sign is attached to the curb face of said sidewalk.

4. **Zoning clearance for signs needed:** Yes.

F. Canopy/Awning Sign.

1. **Maximum Height:** Not to exceed the height of the underside of a canopy, awning or marquee. The bottom of the sign shall be a minimum of eight feet from the ground to provide proper clearance.

2. **Permitted Zones:** All Commercial, Industrial, PF, Mixed-use, and Open Space districts zones.

3. **Location:** Canopy/awning signs may locate over rights-of-way including sidewalks except that no part of the sign may extend beyond the canopy.

4. **Zoning Clearance for Signs needed:** Yes.

G. Temporary Flags in Developing Residential Areas.

1. **Maximum Height:** Not to exceed 15 feet.

2. **Maximum Area:** Ten square feet per flag, not to be less than two feet wide.

3. **Permitted Zones:** All Residential zones, and any other zones that include an approved mixed use housing project or Residential through the use of a conditional use permit.

4. **Permitted Time:** Temporary flags may be displayed for up to one year plus one additional year if a zoning clearance for signs for signs extension has been obtained. Flags shall only be installed onsite and cannot be installed prior to issuance of Certificate of Occupancy for the model unit(s).

5. **Special Limitation:** One flag for each 50 feet of exterior public street frontage, not to exceed 20 flags for each approved project in a developing residential area. Flags shall be replaced when they become torn, frayed, or have holes.

6. **Zoning clearance for signs needed; zoning clearance for sign extensions needed:** Yes.

H. Parking Lot Light Banners.

1. **Maximum Area:** Eight square feet each, not to exceed two banners per pole.

2. **Minimum Height:** Bottom horizontal support shall not be affixed to the vertical light pole less than eight feet above the ground.

3. Permitted Zones: All commercial zones
4. Permitted Time: May be utilized for an indefinite period of time when in full compliance with applicable provisions of Chapter 34. Banners shall be replaced when they become frayed, torn, or have holes.
5. Number of Banners: No more than 25% of the parking lot lights shall be utilized for banners.

6. Zoning clearance for signs needed: Yes.

I. Freestanding Signs.

1. Maximum Height: Six feet in residential zones; eight feet in commercial or industrial zones, as measured from adjacent finished grade.

2. Freestanding signs may be placed on landscaped mounds. All landscaped mounds shall comply with the development standards of Chapter 18.64 (landscaping) providing that mound slopes may not be steeper than 2 to 1 and no higher than three feet.

3. Support Structure: A freestanding sign must be affixed to the ground by means of two or more columns or similar structural components.

4. Permitted Zones: All Commercial, Industrial, PF, Mixed-use, and Open Space districts. Permitted in Residential zone districts with Master Sign Plan.

5. The maximum freestanding sign area shall be 50 square feet in all commercial, industrial, open space, public facilities. The maximum freestanding sign area shall be 35 square feet in all residential zoning districts.

6. Number of monument signs permitted shall be limited to one monument sign for each 125 linear feet of parcel frontage along a public street except that, upon the request of the applicant, monument signs closer to each other than an aggregate of 125 linear feet of parcel frontage along a public street shall be permitted when within 50 feet of the main entrances/exits of developments, such as a shopping center or office complex. Through the zoning clearance for signs review process, the Director or his/her designee will ensure the location of monument signs do not create an appearance of clutter along the street.

8. Zoning clearance for signs needed: Yes.

J. Digital Display Signs.

Digital display signs are subject to the following regulations in addition to all other requirements established in this Section.

1. Sign Type: Digital displays are permitted in the form of freestanding, monument, and wall signs, on-premise signs.

2. Height: A digital display shall have the same height limits as for other permitted signs of the same type and location.

3. Area: When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.

4. Maximum Number per Property: Where permitted, one (1) digital display sign is permitted per property
5. Message Display:
 - a. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
 - b. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - c. The content of a digital display must transition by changing instantly, with no transition graphics (e.g., no fade-out or fade-in).
 - d. Default Design: The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
6. Conversion of a permitted non-digital sign to a digital sign requires the issuance of a permit pursuant to Section 18.51.07.
7. The addition of any digital display to a nonconforming sign is prohibited.
8. Public Service Announcements: The owner of every digital sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning
9. When used as an on-premises sign, message center signs and digital displays are limited in area and are permitted only as a portion of the total sign area on the site.

Section 18.51.06. Construction or Subdivision Signs.

Construction or subdivision project signs shall not exceed 32 square feet in area, or eight feet in overall height, unless legally required by governmental contract to be larger. A construction or subdivision project sign shall require a zoning clearance for signs and may exist no longer than the period of construction. One sign is permitted per street frontage, with an exception for frontages exceeding 200 feet where one sign may be permitted for each 200 feet of street frontage.

Section 18.51.07. Administration.

- A. Application and Processing.
 1. Purpose. The purpose of a zoning clearance for signs is to help ensure compliance with the provisions of this Chapter, in particular, the provisions regulating the design, illumination, location, materials, number, size, and type of sign, including structural and electrical provisions of the state building codes.
 2. General application process for zoning clearance for signs. Unless otherwise specified by this Chapter, the application for a zoning clearance for signs must be made in writing on the form provided by the Planning Department and accompanied

by the required fee established by City Council resolution. The application shall include the following information and items:

- a. The completed application form.
- b. Plans drawn to scale showing the design of the sign, including dimensions, sign size, colors, materials, method of attachment, source of illumination, and showing the relationship to any building, parcel, or structure to which it is proposed to be installed or affixed or to which it relates. Compliance with applicable state building codes including structural analysis, wind load calculations, and footing details shall be shown on the plans and signed by a structural engineer when applicable.
- c. A site plan, including all dimensions, drawn to scale indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points, and existing or planned buildings or structures and off-street parking areas located on the premises.
- d. The number, size, type, and location of all existing signs on the same building, site, or premises.
- e. Proof of the consent of the property owner or other person in control or in possession of the property.
- f. If a proposed sign would be an advertising display under the Outdoor Advertising Act (Business and Professions Code Sections 5200 and following), the applicant shall submit reasonable evidence demonstrating compliance with or exemption from the Act.
- g. Such other information as the Director may reasonably request in order to establish that the proposed application is in full compliance with the provisions of this Chapter, the municipal code, and any other applicable law.

3. Processing Applications. The Director, or his/her designee, shall determine whether the application contains all of the information and items required by the provisions of this Chapter. If the Director or his/her designee determines that the application is not complete, the applicant must be notified in writing within 30 calendar days of the date of receipt of the application that the application is not complete and the reasons for such determination, including any additional information necessary to render the application complete. The applicant will then have 30 calendar days from receipt of comments to submit additional information to render the application complete. Failure to do so within this 30-day period renders the application void. Within 30 calendar days following receipt of an amended application or supplemental information, the Director or his/her designee must again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification is to occur as provided above until such time as the application is found to be complete. All notices required by this Chapter are deemed given upon the date any such notice is either deposited in the United States mail or the date upon which a personal service of such notice is provided.

4. Findings for Approval. After reviewing a complete zoning clearance for signs application, the Director or his/her designee, shall render a written decision to approve or deny the application within 30 calendar days of the complete application date. The Director's determination shall be based on the following findings:

a. The proposed sign(s) comply with all development standards in Chapter 18.51.05;

b. The placement and design of the sign(s) is compatible with the building or structure the signage is placed on;

c. The proposed sign(s) is consistent with the City's General Plan and municipal code;

d. The proposed design, character, location, number, type, size, illumination and maintenance of the proposed sign(s) maintain and enhance the City's appearance.

Decisions made on zoning clearance for signs shall not be based on the content of the signage.

B. Appeals.

1. Any person seeking to appeal a decision of the Director or his/her designee granting or denying an application for issuance of a zoning clearance for signs, revoking a permit, or ordering the remediation or removal of a sign, shall appeal in writing consistent with Chapter 18.80 (Appeals).

2. Any person dissatisfied with the final action by the City Council may seek prompt judicial review of the action pursuant to the California Code of Civil Procedure Section 1094.8.

Section 18.51.08. Hazardous Signs.

Signs shall conform to the following provisions of the California Vehicle Code.

A. No person shall place, maintain or display upon or in view of any highway, any unofficial sign, signal or device, or any sign, signal or device which purports to be or is an imitation of, or resembles an official traffic sign or signal, or which attempts to direct the movement of traffic, or which hides from view any official sign or signal. (Cal. Veh. Code, section 21465).

B. No person shall place, maintain or display upon or in view of any highway, any light of any color of such brilliance as to blind or dazzle the vision of drivers upon said highway nor shall any light be placed in such position as to prevent the driver of a vehicle from readily recognizing any traffic sign or signal. (Cal. Veh. Code, section 21466.5).

C. The State Department of Public Works, members of the California Highway Patrol and local authorities are hereby authorized and empowered without notice to remove every prohibited sign, signal, device or light which is a public nuisance or cause the same to be removed or the director of said department, the chief of said

patrol or local authorities may bring any action as provided by law to abate such nuisance.

Section 18.51.09. Construction of Signs.

A. No portion of any sign nor its supports shall be placed in a manner that it will in any way obstruct any fire escape, stairway, or fire sprinkler stand pipe, nor shall any such sign or any of its supports be attached to or supported by any fire escape.

B. No portion of any sign or its supports shall be so placed that it will interfere with human exit through any window of any room of any building.

C. No portion of any sign or its supports shall be placed so that it will obstruct any exterior door or required exit of any building.

D. No sign shall be placed that will obstruct any legally required light and ventilation.

E. No sign or portion of a sign shall be placed on any public right-of-way in such a manner which obstructs such public right-of-way. Any such sign is hereby declared a public nuisance and may be removed by the Director, Building Official or any other designated official.

Section 18.51.10. Nonconforming Signs.

A. General Requirements: A nonconforming sign structure shall not be:

1. Changed to another nonconforming sign structure or increased in area unless the height or area of the sign structure is made less nonconforming;
2. Structurally altered to extend its useful life; or
3. Moved from its location to a new location.

B. Face Changes: Sign copy and face changes within the existing boundaries of the nonconforming sign structure are permitted without obtaining a zoning clearance for signs.

C. Modifications and Maintenance: Non-structural modifications or non-structural maintenance (i.e., painting, rust removal) are allowed without a zoning clearance for signs up to a maximum of 50 percent of the existing total area of the sign. Non-structural modifications or maintenance exceeding 50 percent of the existing total area of the sign, and all structural changes, shall comply with all applicable standards of this Chapter.

D. Discontinued Use: If the use of a building or land associated with a legal nonconforming sign structure is discontinued for a period of six months or more, any sign structure shall thereafter conform to the provisions of this Chapter.

E. Public Nuisances: No sign or portion of a sign shall be placed on any public right-of-way in such a manner which obstructs such public right-of-way. Any such sign is hereby declared a public nuisance and may be removed by the Director, Building

Official, or any other designated official without notice if determined to be a safety hazard.

F. Destroyed Signs: If, at any time, any nonconforming sign structure in existence or maintained on the effective date of the ordinance codified in this Chapter is destroyed by fire, accident, explosion or act of nature to the extent of more than 50 percent of the value thereof, without further action of the City, such sign shall, from and after the date of such destruction, be subject to all the provisions of this Chapter. For the purposes of this Chapter, the value of any sign shall be the estimated cost of replacement of the sign in kind as determined by the Building Official.

G. Administration of this section is not intended to conflict with the provisions of the Outdoor Advertising Act (Chapters 2 and 2.5, Sections 5200 – 5499.30 of the Business and Professions Code).

Section 18.51.11. Exempt Signs, Flags, and Devices.

The following signs, flags, and devices are exempt from the provisions of this Chapter:

- A. Flags of a governmental entity (e.g., United States, California, municipalities within City of Guadalupe, other governmental entities).
- B. Signs and devices erected by a governmental entity, including public schools.
- C. Signs erected by a public utility or common carrier to warn of dangers (e.g., the location of underground facilities and railroad crossings).
- D. Signs required to be maintained or posted by law or governmental order, rule, or regulation.
- E. Signs located entirely within structures.

Section 18.51.12. Prohibited Signs and Locations.

Prohibited signs are as follows:

- A. Any sign designed for emitting sound.
- B. Any sign or sign structure which has become a public nuisance due to inadequate maintenance, dilapidation, or abandonment.
- C. Any sign which obstructs in any manner the ingress to, or egress from, a door, window, fire escape, or other access way required by building codes adopted by the City of Guadalupe.
- D. Any sign unlawfully installed, erected, or maintained.
- E. Any sign that encroaches into any City right-of-way and/or easement, except under-canopy, and projecting signs.
- F. Any sign that flashes, blinks, moves, changes color, appears to change color, changes intensity, or contains any part of attachment which does the same.

G. Any sign that is inconsistent with the traffic safety sight area, pursuant to Resolution No. 2009-24 (Adopted City of Santa Maria Traffic Standards Manual).

H. Any sign structure located so that it interferes with visibility at an intersection, public right-of-way, driveway, or other ingress/egress.

I. Any pole sign. Any pole sign existing on the date the ordinance becomes effective shall have three (3) years before it must be removed.

J. Any sign located or displayed on or over public property except as expressly permitted in this Chapter.

K. Any sign attached to a tree or utility pole.

L. Any sign structure erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the state, or rules and regulations duly promulgated by agencies thereof.

M. Any sign structure adversely affecting traffic control or safety.

N. Balloons, balloon-like objects, and blimps.

O. Roof signs.

P. Any sign on public property or property in which the City holds an interest unless otherwise authorized by this Chapter. A public utility easement (PUE) is an example of property in which the City holds an interest.

Q. Off-Site Signs—Exception. Signs on property owned or controlled by the City, whose design is compatible with the objectives of this Chapter as determined by the Director or his/her designee through zoning clearance for signs.

R. Bow/feather signs.

S. Sandwich board signs (also referred to as “A-signs”).

T. Inflatable signs, including those that exhibit motion through the use of a blower and controlled release of air.

U. Triangle Pennant signs.

V. Mobile Billboard Advertising Displays: Pursuant to Section 22651(v) of the California Vehicle Code and sections amendatory or supplementary thereto, any peace officer, or any regularly employed and salaried employee of the City, who is engaged in directing traffic or enforcing parking laws and regulations in which the mobile billboard advertising display is located may remove the mobile billboard advertising display located within the territorial limits of the City when the mobile billboard advertising display is found upon any public street or any public lands, if all of the following requirements are satisfied:

1. When a vehicle is a mobile billboard advertising display and is parked or left standing in violation of this code, if the registered owner of the vehicle was previously issued a warning citation for the same offense;

2. A warning citation was issued to a first-time offender at least twenty-four (24) hours prior to the removal of the vehicle. The City is not required pursuant to Section 22651(v)(2) of the California Vehicle Code and sections amendatory or supplementary thereto to provide further notice for a subsequent violation prior to enforcement; and

3. The warning citation advised the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of this Chapter that may include the removal of the vehicle.

Section 18.51.13. Signs in the Public Right-of-Way or Placing Citizens in Peril.

The Director, Building Official or other designated official in Chapter 2 of this Code (Administration and Personnel) shall immediately cause the removal of any sign which, in the judgment of the Director, Building Official or other designated official, is found to be within the public right-of-way and/or easements and are found to place citizens in immediate peril. Said removal shall be by any or a combination of the following methods using sound judgment under the circumstances:

A. Removal or modification of said sign by City staff with business owner (or property owner if business has ceased operations) to be billed for time and materials related to the cost of said removal.

B. Notification orally or in writing to the business owner causing the removal of said signs within a 24 hour period or later period of time, as prescribed by the Director, Building Official or other designated official.

C. Immediate citation of the business owner (or property owner if business has ceased operations) or party responsible for said sign.

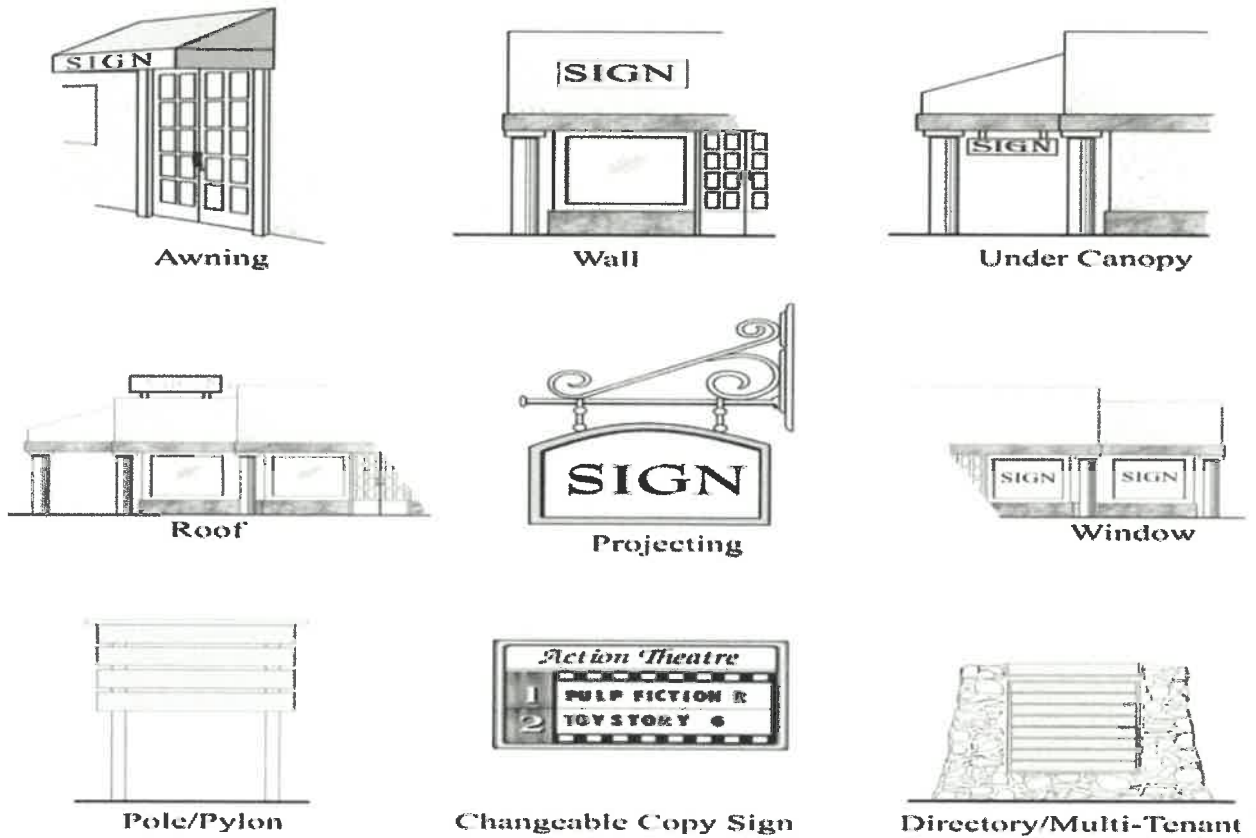
Section 18.51.14. Severability.

If any provision or clause of this Chapter or the application thereof is held unconstitutional or otherwise invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, clauses, or applications of this Chapter which can be implemented without the invalid provision, clause, or application, it is hereby expressly declared that this ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, adopted, and/or ratified irrespective of the fact that any one or more sections, subsections, sentences clauses, and/or phrases be declared invalid or unconstitutional.

Appendix: Illustration A (Bow/Feather Sign).



Illustration B (Examples of Signs).



(Source: Santa Barbara County)

SECTION 3. This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and has been found to be exempt pursuant to §15306 of the CEQA Guidelines (Information Collection) because it does not have the potential to create a physical environmental effect.

SECTION 4. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 5. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the ___ day of ___, 2020, by the following roll call vote:

MOTION: /

AYES:	0	Councilmembers:
NOES:	0	
ABSENT:	0	
ABSTAINED:	0	

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney



Agenda Item No. 9.

REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of March 24, 2020

Prepared by:
Shannon Sweeney,
Public Works Director / City Engineer
Lorena Zarate, Finance Director

Approved by:
Todd Bodem, City Administrator

SUBJECT: Changes to City of Guadalupe water shut off policy and amendments to municipal code in response to Senate Bill 998, otherwise known as the Water Shut off Protection Act.

RECOMMENDATION:

It is recommended that the City Council adopt Ordinance No. 2020-485 approving amendments to the City of Guadalupe municipal code and Resolution No. 2020-22 approving modifications to the City's water discontinuation policy to meet the requirements of Senate Bill 998 regarding the discontinuation of residential water service and establishing related fees.

DISCUSSION:

On September 28, 2018, former Gov. Brown approved Senate Bill 998 regarding the discontinuation of residential water service. Among other things, the bill prohibits urban and community water systems from discontinuing residential water service under specified circumstances. In addition, the bill requires written policies for water shut offs, limits to reconnection fees, and reports on the number of annual discontinuations of water service on the water provider's website. The current number of shut offs in the City of Guadalupe is approximately 40 per month or 480 per year. For urban community water systems with fewer than 3000 service connections, such as the City of Guadalupe, these requirements must be implemented by April 1, 2020.

Guadalupe Municipal Code section 13.04.160 includes language about discontinuation of service for delinquent bills that is inconsistent with the new requirements contained in Senate Bill 998, and needs to be modified. Recommended changes to the municipal code are shown below, with strikeouts being removed and underlining added.

13.04.160 Delinquent bills—Discontinuance of service.

A. All bills for water service shall be due and payable at the City Hall, and are considered delinquent one day after the mailing date. ~~All water bills remaining unpaid for a period of 15 days shall thereupon become delinquent, and subject to collection.~~

B. ~~Where water bills become delinquent,~~ Service may be shut off at any time ~~without~~ after 60 days with at least 10 days' notice. The Public Works Director shall cause a meter reading to be made, and thereupon the bill for water used since the previous reading shall become immediately due and payable.

C. The amount fixed for water turn-off and turn-on, late fees, and other special water services shall be established by resolution of the City Council.

D. In addition to paying the delinquent water bill and the above charges, the water customer shall be required to provide a deposit in an amount established by resolution of the City Council before water service shall be restored, or a new account created after it has been discontinued for failure to pay.

Previous to Senate Bill 998, the City issued water bills on the first day of each month, due and payable upon presentation. After 20 days, a written disconnection notice ("pink slip") was issued stating that the bill is delinquent. A \$10 processing fee or 10%, of the unpaid bill, whichever is greater, was incurred at this time. If the bill was still not paid 15 days later, the water was shut off. When water was shut off, customers were charged a \$53 late fee and a \$27 reconnect fee (\$156 if reconnected after hours).

To be consistent with the new regulation, the City is modifying its written discontinuation notice to indicate that unpaid accounts will not be shut off for a total of sixty (60) days. This notice will also include a description of the process to apply for an extension of time to pay the delinquent charges, a description of the procedure to petition for bill review and appeal, a description of the procedure by which the customer may request a deferred, reduced, or alternative payment schedule, and an offer to provide the water discontinuation policy in writing. Staff recommends that a \$10 processing fee be imposed when the written discontinuation notice is issued. Staff also recommends that customers electing any alternative payment schedule be charged a one-time \$20 installment plan fee.

If payment is not received, and no request for an alternative payment schedule is made, the account will be closed after 60 days of bill issuance, and a final notice of intent to disconnect will be posted at the residence five days before water service is disconnected. At the time of disconnection, the City shall provide the customer with information on how to restore residential water service.

Staff recommends that customers be charged a \$50 reconnect fee when water service is restored (\$150 if after hours). These fees are subject to an annual adjustment for changes in the Consumer Price Index beginning January 1, 2021. The Council will need to approve these fees (as well as the \$10 processing fee and \$20 installment plan fee) in order for staff to impose them. For this reason, these fees are included in the attached Resolution that the Council is asked to adopt in order to approve of the new Water Service Disconnection Policy.

The new legislation does not prohibit the water supplier from discontinuing service due to an unauthorized action on the part of the consumer.

In addition to recommending adoption of the amendments to Guadalupe Municipal Code section 13.04.160, staff is recommending that the City Council adopt Resolution No. 2020-xx regarding adoption of a new water discontinuance policy that is consistent with SB 998.

FINANCIAL IMPACT

Water customers will now have a full 60 days after bill issuance, rather than the previous 35 days, to pay before water is shut off. Water customers will be able to establish a payment plan to pay delinquent accounts, which can negatively affect the City's cash balance. The new policy will require significant amount of additional City staff time to track the status of delinquent accounts and payments.

The City will continue to issue a \$10 processing fee upon issuance of the written discontinuation notice, but will eliminate the "or 10%, whichever is greater," portion of this fee, if the Council approves this change.

Before Senate Bill 998, customers were charged the late fee and a reconnect fee, together totaling \$80, after their account was shut off. Now, if the Council approves the change, customers will be charged \$50 for reconnect (\$150 if after hours), with no additional late fees incurred.

Failure of the City to comply with these regulations may result in a fine of up to \$1,000 per day of noncompliance.

ATTACHMENTS:

1. Ordinance No. 2020-485 " An Ordinance of the City Council of the City of Guadalupe, California, amending Chapter 13 of the City of Guadalupe Municipal Code regarding delinquent bills discontinuation of service".
2. Resolution No. 2020-22 "A Resolution of the City Council of the City of Guadalupe adopting a new water disconnection (shut off) policy to meet the requirements of Water Code Sections 116900, et seq. regarding the discontinuation of residential water service and establishing related fees".
3. City of Guadalupe Water Service Disconnection (Shut Off)Policy

ORDINANCE NO. 2020-485

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUADALUPE, CALIFORNIA, AMENDING CHAPTER 13 OF THE CITY OF GUADALUPE MUNICIPAL CODE REGARDING DELINQUENT BILLS – DISCONTINUATION OF SERVICE

The City Council of the City of Guadalupe, State of California, does ordain as follows:

WHEREAS, On September 28, 2018, former Governor Brown approved Senate Bill 998 regarding the discontinuation of residential water service, codified in Chapter 6 of Part 12 of Division 104 of the California Health & Safety Code, Section 116900, et seq.; and

WHEREAS, the new law prohibits urban and community water systems from discontinuing residential water service under specified circumstances; and

WHEREAS, the new law also requires written policies for water shut offs, limits to reconnection fees, and reports on the number of annual discontinuations of residential service on the water provider's website; and

WHEREAS, Chapter 13.04.160 of the City of Guadalupe Municipal Code is inconsistent with the new regulation; and

WHEREAS, urban and community water systems that serve fewer than 3000 customers, such as the City of Guadalupe, are required to comply with the provisions of SB 998 by April 1, 2020; and

WHEREAS, public notice pursuant to Government Code section 65090 was given on or before March 11, 2020, and a public hearing on the item was held at the City Council meeting on March 24, 2020.

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

SECTION 1: Chapter 13.04.160 of the Guadalupe Municipal Code regarding delinquent bills – discontinuation of service is hereby amended to read as follows:

13.04.160 Delinquent bills—Discontinuance of service.

A. All bills for water service shall be due and payable at the City Hall, and are considered delinquent one day after the mailing date. ~~upon presentation. All water bills remaining unpaid for a period of 15 days shall thereupon become delinquent, and subject to collection.~~

B. ~~Where water bills become delinquent,~~ Service may be shut off at any time ~~without~~ after 60 days with at least 10 days' notice. The Public Works Director shall cause a meter reading to be made, and thereupon the bill for water used since the previous reading shall become immediately due and payable.

C. The amount fixed for water turn-off and turn-on, late fees, and other special water services shall be established by resolution of the City Council.

D. In addition to paying the delinquent water bill and the above charges, the water customer shall be required to provide a deposit in an amount established by resolution of the City Council before water service shall be restored, or a new account created after it has been discontinued for failure to pay.

SECTION 2. The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance is severable and independent of every other section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance. If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance is held invalid, the City Council declares it would have adopted the remaining provisions of this Ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this Ordinance should remain in effect after the invalid portion has been eliminated.

SECTION 3. The City Clerk is hereby authorized to make minor changes herein to address clerical errors, so long as substantial conformance of the intent of this document is maintained. In doing so, the City Clerk shall consult with the City Administrator and City Attorney concerning any changes deemed necessary.

INTRODUCED at a regular meeting of the City Council on the 24th day of March 2020, by the following roll call vote:

MOTION:

AYES:

NOES:

ABSENT:

ABSTAINED:

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip F. Sinco, City Attorney

RESOLUTION NO. 2020-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GUADALUPE
ADOPTING A NEW WATER DISCONNECTION (SHUT OFF) POLICY TO MEET THE REQUIREMENTS OF
WATER CODE SECTIONS 116900, ET SEQ. REGARDING THE DISCONTINUATION OF RESIDENTIAL
WATER SERVICE AND ESTABLISHING RELATED FEES**

WHEREAS, On September 28, 2018, former Governor Brown approved Senate Bill 998 regarding the discontinuation of residential water service, codified in Chapter 6 of Part 12 of Division 104 of the California Health & Safety Code, Sections 116900, et seq.; and

WHEREAS, the new law prohibits urban and community water systems from discontinuing residential water service under specified circumstances; and

WHEREAS, the new law also requires written policies for water shut offs, limits to reconnection fees, and reports on the number of annual discontinuations of residential service on the water provider's website; and

WHEREAS, the City of Guadalupe water discontinuation policy is inconsistent with the new regulation; and

WHEREAS, urban and community water systems that serve fewer than 3000 customers, such as the City of Guadalupe, are required to comply with the provisions of SB 998 by April 1, 2020; and

WHEREAS, modifications to existing fees related to notice of water discontinuation and reconnection are desirable at this time in addition to the creation of a new fee for setting up an alternative payment schedule.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Guadalupe that:

1. The attached Water Disconnection (Shut Off) Policy meets the requirements of Senate Bill 998 regarding the discontinuation of residential water service and is hereby adopted; and
2. The City's existing fee for issuance of a Notice of Discontinuation of Water Service (the "past due fee" listed on the City's Master Fee Schedule, Part 1, A-4) is changed from 10% of the balance due with a \$10 minimum to a \$10 processing fee; and
3. The City's existing fee for reconnection after discontinuation of water service due to nonpayment listed on the City's Master Fee Schedule, Part 1, A-4, is changed from a \$53 "delinquent fee" and a \$27 "reconnect" fee to a flat rate \$50 reconnection fee when reconnection occurs within normal City operational hours (8 a.m. to 4:30 p.m., Monday-Friday, excepting holidays) and a flat rate \$150 reconnection fee when reconnection occurs outside of normal City operational hours; and

4. A new fee of \$20 for establishment of an alternative payment schedule is hereby created and shall be included in the City's Master Fee Schedule, Part 1, A-4; and

5, The City's Master Fee Schedule will be amended in a manner consistent with this Resolution forthwith.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 24th day of March, 2020 by the following vote:

Motion:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2020-22**, has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held March 24, 2020, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

City of Guadalupe
Finance Department | Utility Billing Division
**WATER SERVICE DISCONNECTION (SHUT-OFF) POLICY
FOR DELINQUENT ACCOUNTS**
www.ci.guadalupe.ca.us

The City of Guadalupe (“City”) issues monthly utility bills for water service for the prior billing period. Utility bills are due and payable upon mailing date and are considered delinquent if payment is not received in the City’s Utility Billing Division at 918 Obispo Street by 4:30 p.m. one calendar day from the bill mailing date.

If the City does not receive payment by the 20th day from the bill issue date, the account will be considered past due. The City will mail a written disconnection notice at least 15 calendar days prior to termination. When a customer’s account has been delinquent for 60 calendar days, water service shall be disconnected due to non-payment in compliance with Senate Bill No. 998 (Water Code Sections 116900, et seq.)

CONTACT INFORMATION

To avoid disconnection of service due to non-payment, to request an extension, or to request an alternative payment schedule or amortization plan, contact the Utility Billing Division as soon as possible:

Phone: (805) 356-3896

Email: irivas@ci.guadalupe.ca.us

In-Person: City of Guadalupe
Finance Department

918 Obispo Street
Guadalupe, CA 93434

WRITTEN DISCONNECTION NOTICE

The City will make a reasonable, good faith effort to contact customers by mail at least 15 calendar days before discontinuation of water service due to non-payment. This written disconnection notice will be mailed to the billing address designated on the account. If the billing and service addresses are different, a second notice will be mailed to the service address and addressed to “Occupant.” The written disconnection notice will include, at minimum, the following:

- The customer’s name and service address;
- The amount of delinquency;
- The date by which payment or arrangements for payment are required to avoid water shut-off;
- A description of the process to apply for a deferred/alternative payment schedule or amortization plan;
- A description of the process to dispute or appeal an utility bill;
- A notification to any tenants/occupants that if a landlord-tenant relationship exists and the landlord is the customer of record, the tenant/occupant may become a customer of the City without assuming responsibility for the landlord’s delinquencies;
- A website link to the City’s water service disconnection policy; and

WATER SERVICE DISCONNECTION (SHUT-OFF) POLICY FOR DELINQUENT ACCOUNTS

- Contact information for the City to discuss averting water service disconnection due to non-payment.

If the written discontinuation notice is returned through the mail as undeliverable, the City will make a reasonable, good faith effort to visit the residence and leave a door hanger containing the written notice of disconnection.

All delinquent water service charges and associated fees must be received at the City by 4:30 p.m. on the day specified in the written disconnection notice to avoid discontinuation of service, provided, however, that an appeal pursuant to this Policy shall stay discontinuation, but shall not stay the accumulation of additional fees or penalties, if any.

Residential Tenants/Occupants of Individually-Metered Residences Served through Master Meters
Residential tenants/occupants of individually-metered residences will receive the above listed written notice addressed to "Occupants" at the service address for the account. The notice will be provided a minimum of ten calendar days prior to disconnection of service.

Residential Tenants/Occupants of a Multi-Unit Complex Served through a Master Meter
Residential tenants/occupants of a multi-unit complex served through a master meter will receive either a mailed letter to their unit or written notice by door hanger. In either event, notice will be provided a minimum of ten calendar days prior to disconnection of service.

ALTERNATIVE PAYMENT SCHEDULES / AMORTIZATION PLANS

A customer who is unable to pay their utility bill within 60 calendar days after being delinquent may request an alternative payment schedule to avoid late fees or disruption of water service.

Payment arrangements that extend into the next billing period are considered an amortization plan. All amortization plans must be in writing and signed by the customer. An amortization plan will amortize the unpaid balance over a period defined by the customer not to exceed 12 months from the original date of the bill. The amortized payments will be combined with, and subject to the due date of, the customer's current bill. The customer must comply with the terms of the amortization plan and remain current as charges accrue in each subsequent billing period. The customer may not request further amortization of any subsequent unpaid charges while paying delinquent charges pursuant to an amortization plan.

Residential service may be discontinued no sooner than five business days after the final notice of intent to disconnect service (door hanger) is posted in a prominent and conspicuous location at the property under either of the following circumstances:

- The customer fails to comply with an amortization plan or an alternative payment schedule; or
 - While undertaking an amortization plan or alternative payment schedule, the customer does not pay their current residential service charges for 60 calendar days or more.
-

WATER SERVICE DISCONNECTION (SHUT-OFF) POLICY FOR DELINQUENT ACCOUNTS

REESTABLISHING SERVICE

The City will make a reasonable, good faith effort to restore service before the end of the next regular business day following payment of any past due amount and delinquent fees attributable to the termination of service. Regular business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. (except holidays).

At the City's sole discretion, service *may* be restored outside of regular business hours provided the customer enters into an agreement to pay fees for after-hours service.

RESIDENTIAL OCCUPANTS WITH LANDLORD-TENANT RELATIONSHIPS

Where a landlord-tenant relationship exists between the owner, manager, or operator of the dwelling, structure, or park, occupants of individually-metered detached single-family dwellings, multiunit residential structures, mobile home parks, or permanent residential structure in labor camps (as defined by Section 17008 of the Health and Safety Code), have the right to become customers of the City without being required to pay any amount which may be due on the delinquent account.

For occupants of detached single-family dwellings where the account is delinquent and the occupant wishes to become a customer of the City, the occupant must first verify the existence of a landlord-tenant relationship prior to becoming a customer of the City. Verification may include, but is not limited to, a lease or rental agreement, rent receipts, a government document indicating that the occupant is renting the property, or information disclosed pursuant to Civil Code section 1962.

For residential occupants of non-individually metered detached single-family dwellings, multiunit residential structures, mobile home parks, or permanent residential structure in a labor camps (as defined by Section 17008 of the Health and Safety Code), the City is not required to accept residential occupants as customers unless each residential occupant agrees to the terms and conditions of services and meets the City's requirements for service. However, if one or more of the residential occupants are willing and able to assume responsibilities for subsequent charges to the account to the City's satisfaction, or if there is a physical means legally available to terminate service to those residential occupants who have not met the City's requirements, the City shall make service available to those residential occupants who have met the City's terms, conditions, and requirements.

RESIDENTIAL EXEMPTIONS FROM DISCONNECTION

Residential water service will not be disconnected for non-payment if **all** of the following conditions are met:

- The customer or tenant of the customer submits the certification of a primary care provider (defined in Welfare and Institutions Code Section 14088 Subdivision B, Paragraph 1, Subparagraph A) that discontinuation of residential service will be life threatening to, or pose a serious threat to the health and safety of, a resident of the premises where residential service is provided.
- The customer demonstrates they are financially unable to pay for residential service within the normal billing cycle. The customer shall be deemed financially unable to

WATER SERVICE DISCONNECTION (SHUT-OFF) POLICY FOR DELINQUENT ACCOUNTS

pay for residential service within the normal billing cycle if any member of the customer's household is a current recipient of CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income/State Supplementary Payment Program, or California Special Supplemental Nutrition Program for Women, Infants, and Children, or if the customer declares that the household's annual income is less than 200 percent of the federal poverty level.

- The customer is willing to enter into an amortization agreement or alternative payment schedule consistent with this Policy, including payment of all delinquent charges.

If **all** conditions are met, an amortization of the unpaid balance or alternative payment schedule will be offered. The City will choose which of the payment options the customer undertakes and set the parameters of that payment option. Ordinarily, the repayment option offered should result in a repayment or any remaining outstanding balance within 12 months.

PETITIONS FOR BILL REVIEW

No later than 45 calendar days after bill issuance, a written petition for review may be submitted to:

Email: irivas@ci.guadalupe.ca.us

Mail: City of Guadalupe
 Finance Department
 918 Obispo Street
 Guadalupe, CA 93434

In-Person: City Hall payment drop box or Utility Billing counter (at above address)

Payment of the entire bill in full is required prior to review by the Finance Director. After review, a written opinion will be issued. If the bill is determined to contain an error, the customer may be issued a billing credit applied toward their next bill or, if requested by customer in the written appeal for review, a refund. A decision of the Finance Director may be appealed in writing to the City Administrator within 15 calendar days of the Finance Director's decision. The appeal will be heard by the City Administrator within a reasonable time, not to exceed 30 calendar days after receipt. This determination shall be final and not subject to further appeal.

FEES

A \$10 processing fee will be incurred upon presentation of the written disconnection notice. If the customer desires to apply for an alternative payment schedule, a \$20 installment plan fee will be charged. The City will charge a reconnect fee of \$50, \$150 if after regular business hours.



REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of March 24, 2020

Prepared by:
Todd Bodem, City Administrator

SUBJECT: Resolution ratifying and proclaiming the existence of a local state of emergency.

RECOMMENDATION:

That the City Council adopt Resolution No. 2020-21 ratifying and proclaiming the existence of a local state of emergency.

BACKGROUND:

The novel coronavirus ("COVID-19"), a new communicable disease, was first detected in Wuhan, China in December 2019. COVID-19 has since spread globally to over 166 countries, infecting more than 242,000 persons and killing nearly 10,000 individuals worldwide. As of March 19, 2020, there were 11,780 COVID-19 cases identified in the United States. As of March 19, 2020, there were 675 cases in California, including 13 cases in San Luis Obispo County, and nine (9) cases in Santa Barbara County.

Due to the expanding list of countries with widespread transmission of COVID-19, the increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the federal Centers for Disease Control and Prevention ("CDC"), the escalation of United States domestic cases of and deaths from COVID-19, and the identification of COVID-19 cases in California, COVID-19 has created conditions that are or likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat.

The outbreak of the COVID-19 virus in the general public is now a pandemic according to the World Health Organization. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms 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 transmissions 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 and to practice “social distancing” (i.e., maintaining a minimum of six (6) feet of separation between individuals).

On March 12, 2020, the County of Santa Barbara Director of Emergency Services proclaimed the existence of a local emergency due to COVID-19. The County Health Officer issued a Health Order to mandate the cancellation or postponement of nonessential gatherings of 250 or more people, and small gatherings shall include six (6) foot distancing between participants, particularly those at high risk for severe illness of COVID-19.

On March 15, 2020, Governor Gavin Newsom issued new restrictions in California, including home isolation for everyone over 65 or those with chronic diseases, prohibiting visitors to nursing homes with the exception of end-of-life circumstances, and the closure of bars, wineries, night clubs and brew pubs. Restaurants were to reduce their occupancy by half to permit social distancing, but only two days later, on March 17, 2020, Governor Newsom directed further that restaurants should immediately transition from on-site dining to delivery and take-out services only.

On March 19, 2020, Governor Newsom issued a state-wide order to all California residents to stay at home or their place of residence except as needed to maintain continuity of operations of 16 federally identified critical infrastructure sectors. This order permits individuals to go to grocery stores, pharmacies, banks, and other businesses that are “essential” but will require the closure of numerous businesses.

DISCUSSION:

Government Code section 8630 provides:

- (a) A local emergency may be proclaimed only by the governing body of a city, county, or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least once every 60 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant.

Section 2.32.050 of the Guadalupe Municipal Code (GMC) created the Office of Emergency Services in the City of Guadalupe and designated the City Administrator as the Director of Emergency Services. GMC section 2.32.050.A authorizes the City Administrator to: “[r]equest the City Council to proclaim the existence or threatened existence of an emergency or a disaster and the termination thereof, if the

City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest possible time.”

Because of the rapidly changing situation related to COVID-19 and in light of the County of Santa Barbara’s declaration of a local public health emergency, City Administrator/Director of Emergency Services, Todd Bodem, on March 19, 2020, issued a “Proclamation OF Existence of a Local Emergency by the City Administrator/Director of Emergency Services of the City of Guadalupe” as a result of COVID-19, a copy of which is attached this Resolution as Exhibit “A.”

The City Administrator/Director of Emergency Services is recommending that the City Council adopt Resolution No. 2020-21 to ratify his proclamation of the existence of a local state of emergency issued on March 18, 2020, and to proclaim the existence of a local state of emergency in the City of Guadalupe and the orders therein. Resolution No. 2020-21, among other things:

- Ratifies the Proclamation of the Existence of a State of Local Emergency issued by the Director of Emergency Services on March 18, 2020, and affirmatively states a finding by the Council that a local emergency now exists throughout the City, and has existed since the County of Santa Barbara declared a local emergency at 5:45 p.m. on March 12, 2020.
- Provides that the local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council and that the need for continuing the local emergency shall be reviewed by the City Council at least once every sixty (60) days until the City Council terminates the local emergency.
- Provides that all City officers and employees shall take the actions directed or recommended by the County Public Health Officer to prevent and mitigate the COVID-19 emergency, subject to such instructions and policies as may be developed by the City’s Human Resources Director.
- Authorizes the Director of Emergency Services and/or his designee to adopt supplemental proclamations and orders which are necessary to respond to the local emergency, provided that actions which would otherwise require City Council approval shall be reported to the City Council at the next regularly scheduled City Council meeting.
- Declares that:
 - All restaurants and retail food facilities in the City of Guadalupe shall be prohibited from serving food for consumption on premises. Restaurants and retail food facilities may continue to operate for purposes of preparing and offering food to customers via delivery services, to be picked up, or ordered for take-out. For those establishments offering pick-up/take-out options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick up/take-out. In addition, food banks and facilities that prepare and provide food/meals for delivery or pick-up will be permitted to continue operations.

- Grocery stores, pharmacies, banks, gas stations, convenience stores, and laundromat/laundry services are exempt from this Order, except that proprietors are directed to regularly sanitize surfaces that patrons are likely to come into contact with and to establish social distancing practices for patrons in these establishments.
 - All public recreational building facilities shall be closed.
 - All City residents will comply with Governor Newsom’s stay-at-home order (Executive Order N-33-20) and stay at home or their place of residence except as needed to maintain continuity of operations of the federally identified 16 critical infrastructure sectors.
- Certifies that the COVID-19 virus as a public health hazard for purposes of Health & Safety Code section 101040(c) and for purposes of any federal or state disaster relief program.

FISCAL IMPACT:

If the City Council does not adopt Resolution No. 2020-21, the City will incur potentially significant costs as a result of having to respond to the directives of federal, state, and county governments concerning, and otherwise respond to, the COVID-19 public emergency. Adoption of the resolution will permit the City to obtain reimbursement for its costs in responding to this public health emergency.

ATTACHMENT:

1. Resolution No. 2020-21 entitled “A Resolution of the City Council of Guadalupe Ratifying and Proclaiming the Existence of a Local State of Emergency.”

RESOLUTION NO. 2020-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GUADALUPE RATIFYING AND PROCLAIMING THE EXISTENCE OF A LOCAL STATE OF EMERGENCY

WHEREAS, California Government Code sections 8558 and 8630, et seq., and Chapter 2.32 of the Guadalupe Municipal Code, empower the City Council of the City of Guadalupe (City) to proclaim the existence of a local emergency when the City is affected by the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City which are, or are likely to be, beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat; and

WHEREAS, conditions of disaster or of extreme peril to the safety of persons and property have arisen as a result of the introduction of the novel coronavirus ("COVID-19"), a new communicable disease, which was first detected in Wuhan, China in December 2019. COVID-19 has since spread globally to over 166 countries, infecting more than 242,000 persons and killing nearly 10,000 individuals worldwide. As of March 19, 2020, there were at least 11,780 COVID-19 cases identified in the United States, including 675 cases in California. Due to the expanding list of countries with widespread transmission of COVID-19, the increasing travel alerts and warnings for countries experiencing sustained or uncontrolled community transmission issued by the federal Centers for Disease Control and Prevention ("CDC"), the escalation of United States domestic cases of and deaths from COVID-19, and the identification of COVID-19 cases in California, COVID-19 has created conditions that are or likely to be beyond the control of local resources and require the combined forces of other political subdivisions to combat; and

WHEREAS, over the past week, there has been a significant escalation of United States domestic cases of and deaths from COVID-19; and

WHEREAS, the mobilization of local resources, ability to coordinate interagency response, accelerate procurement of vital supplies, use mutual aid, and allow for future reimbursement by the state and federal governments will be critical to successfully responding to COVID-19; and

WHEREAS, these conditions warrant and necessitate that the City proclaim the existence of a local emergency; and

WHEREAS, Section 2.32.050 of the Guadalupe Municipal Code created the Office of Emergency Services in the City of Guadalupe and designated the City Administrator as the Director of Emergency Services; and

WHEREAS, Section 2.32.050.A. of the Guadalupe Municipal Code authorizes the City Administrator to: “Request the City Council to proclaim the existence or threatened existence of an emergency or a disaster and the termination thereof, if the City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest possible time;” and

WHEREAS, on March 12, 2020 at 5:45 p.m., the County of Santa Barbara Director of Emergency Services proclaimed the existence of a local emergency due to COVID-19; and,

WHEREAS, on March 19, 2020, at 12:00 p.m., the City’s Director of Emergency Services, Todd Bodem, issued a Proclamation Declaring Existence of a Local Emergency in the City of Guadalupe as a result of COVID-19, a copy of which is attached this Resolution as Exhibit “A;” and,

WHEREAS, the City Council concurs with the Director of Emergency Services’ determination that COVID-19 presents conditions of extreme peril which warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GUADALUPE THAT:

SECTION 1. The City Council of the City of Guadalupe hereby proclaims that a local emergency now exists throughout the City, and has existed since the County of Santa Barbara declared a local emergency at 5:45 p.m. on March 12, 2020.

SECTION 2. The above-described Proclamation by the Director of Emergency Services is hereby ratified and adopted by reference as if fully set forth herein.

SECTION 3. During the existence of the local emergency, the powers, functions, and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by state law, the ordinances and resolutions of this City, and by the City’s Emergency Plans, including, but not limited, to the City’s SEMS Multi-hazard Functional Plan.

SECTION 4. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council and that the need for continuing the local emergency shall be reviewed by the City Council at least once every sixty (60) days until the City Council terminates the local emergency, as required by Government Code Section 8630.

SECTION 5. All City officers and employees shall take the actions directed or recommended by the County Public Health Officer to prevent and mitigate the COVID-19 emergency, subject to such instructions and policies as may be developed by the City’s Human Resources Director.

SECTION 6. In addition to the powers enumerated in Guadalupe Municipal Code sections 2.32.050 and 2.32.060, the Director of Emergency Services and/or his designee is hereby authorized to adopt supplemental proclamations and orders which are necessary to respond to the local emergency, provided that actions which would otherwise require City Council approval shall be reported to the City Council at the next regularly scheduled City Council meeting.

SECTION 7. Effective immediately and continuing until further order of the Director of Emergency Services and/or the City Council), the following orders shall be enforced by the Director of Emergency Services and/or his designee:

- A. All restaurants and retail food facilities in the City of Guadalupe shall be prohibited from serving food for consumption on premises. Restaurants and retail food facilities may continue to operate for purposes of preparing and offering food to customers via delivery services, to be picked up, or ordered for take-out. For those establishments offering pick-up/take-out options, proprietors are directed to establish social distancing practices for those patrons in the queue for pick up/take-out. In addition, food banks and facilities that prepare and provide food/meals for delivery or pick-up will be permitted to continue operations.
- B. Grocery stores, pharmacies, banks, gas stations, convenience stores, and laundromat/laundry services are exempt from this Order, except that proprietors are directed to regularly sanitize surfaces where patrons are likely to come into contact with and to establish social distancing practices for patrons in these establishments.
- C. All public recreational building facilities shall be closed.
- D. All City residents will comply with Governor Newsom's stay-at-home order (Executive Order N-33-20) and stay at home or their place of residence except as needed to maintain continuity of operations of the federally identified 16 critical infrastructure sectors.

SECTION 8. A copy of this resolution shall be forwarded to the Director of California Governor's Office of Emergency Services requesting that the Director find it acceptable in accordance with state law; that the Governor of California, pursuant to the Emergency Services Act, issue a proclamation declaring an emergency in the City of Guadalupe; that the Governor waive regulations that may hinder response and recovery efforts; that recovery assistance be made available under the California Disaster Assistance Act; that the State expedite access to State and Federal resources and any other appropriate federal disaster relief programs; and

that the Governor approve, pursuant to Government Code section 8633, the cost of any extraordinary services incurred by political subdivisions in executing mutual aid agreements as a legal charge against the State.

SECTION 9. The Director of Emergency Services, or his designee, is hereby designated as the authorized representative for public assistance and individual assistance of the City for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available local, State, and Federal assistance.

SECTION 10. The COVID-19 virus is hereby certified as a public health hazard for purposes of Health & Safety Code section 101040(c), for purposes of any federal or state disaster relief program.

SECTION 11. This Order is issued based on evidence of increasing occurrences of COVID-19 within the County of Santa Barbara, 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 City 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 no symptoms 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 transmissions 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 City.

SECTION 12. This Order is effectively immediately upon adoption.

PASSED, APPROVED AND ADOPTED at a regular meeting on the 24th day of March, 2020 by the following vote:

Motion:

AYES:

NOES:

ABSENT:

ABSTAIN:

I, Joice Earleen Raguz, City Clerk of the City of Guadalupe DO HEREBY CERTIFY that the foregoing Resolution, being **Resolution No. 2020-21** has been duly signed by the Mayor and attested by the City Clerk, all at a regular meeting of the City Council, held March 24, 2020, and that same was approved and adopted.

ATTEST:

Joice Earleen Raguz, City Clerk

Ariston Julian, Mayor

APPROVED AS TO FORM:

Philip Sinco, City Attorney

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY BY THE CITY
ADMINISTRATOR/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF GUADALUPE**

WHEREAS, Section 2.32.050 of the Guadalupe Municipal Code declares that the City Administrator shall be the Director of Emergency Services; and

WHEREAS, the Director is hereby empowered to request the City Council to proclaim the existence or threatened existence of an emergency or a disaster and the termination thereof, if the City Council is in session, or to issue such proclamation if the City Council is not in session, subject to confirmation by the City Council at the earliest possible time; and

WHEREAS, Government Code section 8630 provides:

- (a) A local emergency may be proclaimed only by the governing body of a city, county or city and county, or by an official designated by ordinance adopted by that governing body.
- (b) Whenever a local emergency is proclaimed by an official designated by ordinance, the local emergency shall remain in effect for a period in excess of seven days unless it has been ratified by the governing body.
- (c) The governing body shall review the need for continuing the local emergency at least 60 days until the governing body terminates the local emergency.
- (d) The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrants; and

WHEREAS, the City Administrator/ Director of Emergency Services finds that Coronavirus Disease 2019 (COVID-19), a new communicable disease was first detected in Wuhan City, Hubei Province, China in December 2019. COVID-19 has since spread globally to over 70 countries, infecting more than 255,000 people and killing more than 10,000 people. Symptoms of the virus include fever, cough, and shortness of breath. Infected individuals have experienced a range of outcomes form mild sickness to severe illness and death; and

WHEREAS, the City Administrator/Director of Emergency Services finds that according to the Centers for Disease Control, there is currently no vaccine to prevent COVID-19 and there is no specific antiviral treatment recommended for COVID-19 at this time; and

WHEREAS, The City Administrator/Director of Emergency Services finds that on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a Public Health Emergency of International Concern. On January 31, 2020, the United States Secretary of Health and Human Services, Alex M Azar II, declared a Public Health Emergency to aid the

nation in responding to COVID-19. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, there are confirmed COVID-19 cases in County of Santa Barbara, the County of Ventura and the County of San Luis Obispo; and

WHEREAS, on March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20, on March 15, 2020, Governor Newsom issued Executive Order N-27-20 and on March 16, 2020, Governor Newsom issued Executive Order N-28-20 regarding COVID-19; and

WHEREAS, on March 12, 2020 at 5:45 p.m., the County of Santa Barbara Director of Emergency Services proclaimed the existence of a local emergency due to COVID-19; and

WHEREAS, the facts stated above raise the potential for widespread community transmission of COVID-19 occurring among the general public in the United States and the need for the City of Guadalupe and the public to work cooperatively and proactively to slow the spread of COVID-19 and address any challenges that may arise due to any outbreak of this disease in the City of Guadalupe; and

WHEREAS, the mobilization of local resources, the ability to coordinate interagency response, accelerate procurement of vital supplies, use of mutual aid, and allow for future reimbursement by the state and federal governments will be critical to responding to COVID-19 and therefore, these conditions warrant and necessitate that the City of Guadalupe proclaim the existence of a local emergency; and

WHEREAS, the City Council is not in session and cannot immediately be called into session; and

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED: By the City Administrator/Director of Emergency Services of the City of Guadalupe that a local emergency exists throughout the City of Guadalupe, and shall be deemed to continue to exist for a period of at least seven (7) days or until the City Council takes action to ratify or terminate the proclamation of local emergency; and

IT IS FURTHER ORDERED that during the existence of this local emergency that the powers, functions, and duties of the City of Guadalupe will be those prescribed by state law, state executive orders, ordinances, and resolutions of the City of Guadalupe; and

IT IS FURTHER ORDERED that during the existence of this local emergency that the powers, functions, and duties of the City of Guadalupe will be those prescribed by state law, state

executive orders, city ordinances, and resolutions of the City of Guadalupe, including specifically the City Administrator/Director of Emergency Services may promulgate orders and regulations necessary to provide for protection of life and property as set forth in the Guadalupe Municipal Code and California Government Code section 8634; and

IT IS FURTHER ORDERED that a copy of this Proclamation be forwarded to the Governor of California with the request that the Governor proclaim the existence of a State of Emergency throughout the City of Guadalupe; and

IT IS FURTHER ORDERED that a copy of this Proclamation be forwarded to the State Director of the Office of Emergency Services.

Date: March 19, 2020



Todd Bodem

City Administrator/Director of Emergency Services



REPORT TO THE CITY COUNCIL OF THE CITY OF GUADALUPE
Agenda of March 24, 2020

Prepared by:
Todd Bodem, City Administrator

SUBJECT: Revisit reestablishment of a Planning Commission for Guadalupe

RECOMMENDATION:

It is recommended that the City Council:

1. Receive presentation from staff; and
2. Direct staff to file the report and provide direction to Staff.

BACKGROUND:

At the February 18, 2020 City Council meeting, Councilmember Antonio Ramirez suggested that City Staff revisit the possible reestablishment of a City of Guadalupe Planning Commission.

In 2012, the City Council abolished the Planning Commission. The Council at that time felt it was more efficient and would reduce costs to the City to eliminate the Planning Commission, and therefore repealed Chapter 2.24 from the Guadalupe Municipal Code, which had provided for the establishment, composition and compensation for the City's Planning Commission. There is no legal requirement that a city have a planning commission, although Government Code section 65100 requires every local jurisdiction to have a "planning agency" and in the absence of a planning commission or other legislative body, the city council is required to perform the functions of the planning agency. Therefore, with the deletion of that chapter, the City Council became the City's planning agency as required by the Government Code..

STAFF INPUT:

At their March 4, 2020 managers meeting, Staff discussed the idea of reintroducing an ordinance to create a planning commission. After much discussion, City staff agreed with the original decision made by the City Council that introduced an ordinance to abolish the Planning Commission in 2012. Staff feels it is not necessary at this time given the limited number of development proposals anticipated into the future. A planning commission would likely increase costs to the City and to the applicant (s). For example, decisions by a planning commission be appealed to a city council, thus requiring additional staff reports and costs to staff and the applicant. In addition, some decisions cannot be

made by a planning commission since they involve a legislative decision (e.g., a general plan amendment or rezoning) so instead of one meeting and one decision by the City Council, there would be a meeting of the Planning Commission recommending approval or denial of the legislative decision to the City Council, and a meeting of the City Council to make the decision.

Staff seeks guidance from the City Council. Staff does not believe the creation of a planning commission is necessary or efficient given the small number of development projects likely to require a discretionary decision, and in light of the increased costs and time to the applicant and City staff. However, the City Council is definitely authorized to create a planning commission under the Government Code, and if this is the direction of the City Council, staff will prepare an ordinance creating a planning commission for the Council's consideration at a later date.

FISCAL IMPACT:

If a Ordinance to establish a planning commission is reintroduced, the City's and applicant costs would increase, and in some situations, increase significantly.