

**SECOND AMENDED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
FOR THE CITY OF LIVERMORE
EXTENDING ORDER 20-2.1 TO CONTINUE THE TEMPORARY MORATORIUM ON THE
IMPOSITION OF THE CITY OF LIVERMORE'S FINES, PENALTIES AND INTEREST
IMPOSED FOR FAILURE TO TIMELY PAY THE CITY'S TRANSIENT OCCUPANCY TAX,
BUSINESS LICENSE TAX, OR TO PAY INVOICES FROM THE CITY FOR WATER OR
SEWER UTILITY SERVICES, AS A RESULT OF A LOSS OF INCOME RELATED TO
COVID-19**

On March 13, 2020, under the authority contained in California Government Code section 8634 and City of Livermore Municipal Code sections 2.56.050 and 2.56.060, I declared the existence of a local emergency in the City of Livermore.

On March 16, 2020, the City Council of the City of Livermore adopted a resolution ratifying the proclamation of the existence of a local emergency in the City of Livermore.

On March 16, 2020, California Governor Gavin Newsom issued Executive Order N-28-20 permitting local governments to exercise their police power to impose substantive limitations on residential and commercial evictions under specified circumstances related to the COVID-19 pandemic or government response to COVID-19. On May 29, 2020, the Governor extended this order to July 28, 2020 and then September 30, 2020. The order was extended again through March 31, 2021, as to commercial evictions only.

As a result of the public health emergency and the precautions recommended by the health authorities, many residents and businesses in the City of Livermore have experienced or are expecting to experience sudden and unexpected income loss. Further economic impacts are anticipated, straining resources and ability to pay even basic operating costs.

On March 25, 2020, I exercised my authority as the Director of Emergency Services and issued an order establishing a temporary moratorium on residential and commercial evictions for tenants that demonstrate an inability to pay rent due to, or arising out of, a substantial decrease in household or business income or substantial out of pocket medical expense, either of which was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented in writing. This order was amended with expanded protections on May 5, 2020 and extended on July 1, 2020 to be effective through September 30, 2020.

The City of Livermore's Municipal Code (LMC) imposes fines, penalties, and interest when a responsible business owner, property owner, or resident does not pay the City's transient occupancy tax, business license tax, or utility bills for water or sewer service provided by the City of Livermore when due. The financial hardships that warranted my order for temporary moratorium on evictions also warrants a temporary moratorium on the imposition of those fines, penalties, and interest by the City of Livermore.

The City of Livermore's Municipal Code further authorizes Livermore Sanitation Inc. (LSI) to impose penalties for non-payment of fees related to its collection services. LSI has been waiving penalties and fees in a responsible manner in connection with the current emergency. Because the penalties authorized by Livermore Municipal Code section 8.08.140 are permissive and not mandatory, no further action is required.

On March 30, 2020, I exercised my authority as the Director of Emergency Services and issued Order No. 20-2 establishing a temporary moratorium on the imposition of the City of Livermore's fines, penalties and interest imposed for failure to timely pay the City's Transient Occupancy Tax, Business License Tax or to pay invoices from the City for water or sewer utility services, as a result of a loss of income related to COVID-19. Order 20-2 states that it will expire on May 31, 2020, concurrent with my order dated March 25, 2020 establishing a temporary moratorium on residential and commercial evictions.

On April 13, 2020, the City Council adopted Resolution No. 2020-043 confirming and ratifying order No. 20-2.

On June 3, 2020, I extended the temporary moratorium on the City of Livermore's fines, penalties and interest in my Order No. 20-2.1 from May 31, 2020 to September 30, 2020. This order, 20-2.1 was ratified by the City Council on June 22, 2020 with Resolution 2020-102.

The COVID-19 emergency continues in Livermore. The California Director of Public Health has issued a roadmap to modify its stay at home order and allow certain industry sectors to move into stage 2 for recovery, but that roadmap and accompanying orders state that counties may continue to impose more restrictive requirements based upon local conditions.

On May 18, 2020, the Health Officer of the County of Alameda issued an updated shelter-in-place order that allowed additional businesses to reopen, and recently eased local restrictions to allow storefront pickup and delivery for retail stores, and highly regulated vehicle-based gatherings. However, the County Health Officer's local orders remain more restrictive than the State's, which continues to impose economic impacts in Livermore.

The County's Reopening Plan and Shelter-in-Place Order continue to leave a number of businesses closed or operating at a significantly reduced capacity.

In light of the economic impacts, I believe it is necessary to extend the temporary moratorium on the City of Livermore's fines, penalties and interest in my Order No. 20-2.1 from September 30, 2020 to December 31, 2020.

Under California Government Code section 8634 and Livermore Municipal Code section 2.56.060.B.1, I am empowered upon the proclamation of a local emergency to make and issue orders and regulations on matters reasonably related to the protection of life and property as affected by such local emergency. These orders and regulations are to be confirmed by the City Council at the earliest practicable time.

THEREFORE, I, Marc Roberts, as Director of Emergency Services, order the following:

Order No. 20-2.1 that I issued on June 3, 2020, and that was confirmed and ratified by the City Council on June 22, 2020 with Resolution No. 2020-102, is hereby extended through December 31, 2020.

This Order shall go into effect immediately, and will apply from September 30, 2020 to December 31, 2020, unless it is superseded by a duly enacted Ordinance of the City Council of the City of Livermore or a superseding order issued by a duly authorized person or agency. This Order may be extended or supplemented in response to subsequent Executive Orders by the Governor of the State of California on this subject, or orders or ordinances issued or adopted by Alameda County.

Dated: 9/28/20



Marc Roberts
Director of Emergency Services