

**THIRD 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 and September 28, 2020 to be effective through March 31, 2021.

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.

Order re: Temporary Moratorium the City of Livermore's Fines, Penalties and Interest

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. I extended this order to December 31, 2020 on September 28, 2020 and it was ratified by the City Council on October 26, 2020.

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 December 3, 2020 the State of California issued a Regional Stay at Home Order requiring residents of California to shelter-in-place and all businesses other than retail or those in critical infrastructure sectors to close in-person. This Order required compliance once the region's Intensive Care Unit (ICU) bed availability dropped to 15% or below.

On December 6, 2020, the Health Officer of the County of Alameda, along with other Bay Area Health Officers, preemptively adopted the State's Regional Stay at Home Order in anticipation of rapidly declining ICU capacity.

On December 15, 2020 ICU bed capacity fell below the State's 15% threshold, triggering the Regional Stay at Home Order and extending its effective date further into January.

These actions shuttered outdoor dining, reduced indoor retail capacity and significantly restricted business activity, which continues to impose economic impacts in Livermore.

Order re: Temporary Moratorium the City of Livermore's Fines, Penalties and Interest

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. 20-2.2 from December 31, 2020 to March 31, 2021.

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. 20-2.2 that I issued on September 28, 2020, and that was confirmed and ratified by the City Council on October 26, 2020 with Resolution No. 2020-188, is hereby extended through March 31, 2021.

This Order shall go into effect immediately, and will apply through March 31, 2021, 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: 12/18/20



Marc Roberts
Director of Emergency Services