



NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the City Council of the City of Chino Hills will be held on Tuesday, March 17, 2020, at 5:00 p.m., in the Council Chambers of City Hall located at 14000 City Center Drive, Chino Hills, California, to adopt a Resolution confirming existence of a Local Emergency to ratify the City Manager's Declaration of Local Emergency; and an Urgency Ordinance and an Ordinance amending Chino Hills Municipal Code Section 2.44.080 (B) to require this Council to extend the review period of necessity of continuing Local Emergency to sixty (60) days rather than the current fourteen (14) days, and finding exempt from review under the California Environmental Quality Act.

DATED this 16th day of March, 2020.


ART BENNETT, MAYOR



A G E N D A
CHINO HILLS CITY COUNCIL
SPECIAL MEETING
TUESDAY, MARCH 17, 2020
5:00 P.M. PUBLIC MEETING

CIVIC CENTER, CITY COUNCIL CHAMBERS
14000 CITY CENTER DRIVE, CHINO HILLS, CALIFORNIA

On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically.

If you wish to attend the City Council meeting in person, the City Council Chambers located at 14000 City Center Drive, Chino Hills, California 91709, will be open for this meeting and the public shall have the right to observe and offer public comment at this location. While you may attend this meeting in person, given the health risks associated with Coronavirus (COVID-19), the City wants you to know that you can submit your comments and questions in writing for City Council consideration by sending them to the City Clerk at cityclerk@chinohills.org. To give the City Council adequate time to review your questions and comments, please submit your written comments prior to 4:00 p.m.; or if you are unable to email, please call the City Clerk's Office at (909) 364-2620 by 4:00 p.m.

If you have traveled internationally and/or you have had direct contact with someone who has traveled internationally or tested positive for COVID-19, or you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like systems, please **DO NOT ATTEND** this meeting in person. If you are in the group of individuals who may be most vulnerable to COVID-19, including those over the age of 60 and those with underlying health conditions, including but not limited to lung, heart, immune-compromised, diabetes, or other conditions that could interfere with your ability to fight COVID-19, please consider carefully before attending this meeting in person and keep a six-foot distance from others as much as possible. On March 15, 2020, the Governor urged the state's 5.3 million people who are 65 and older and people and people with chronic health conditions to isolate themselves at home because they can be hit with more severe illness, including pneumonia.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in this meeting, please contact the City Clerk's Office, (909) 364-2620.

Speaker Cards - Those persons wishing to address the City Council on items listed on the agenda, are requested to complete and submit to the City Clerk a "Request to Speak" form available at the entrance to the City Council Chambers. In accordance with the Public Records Act, any information you provide on this form is available to the public. Comments will be limited to three minutes per speaker.

CITY COUNCIL MEMBERS

ART BENNETT, MAYOR
BRIAN JOHSZ, VICE MAYOR
RAY MARQUEZ
CYNTHIA MORAN
PETER J. ROGERS

BENJAMIN MONTGOMERY
CITY MANAGER

MARK D. HENSLEY
CITY ATTORNEY

CHERYL BALZ
CITY CLERK

5:00 P.M. - CALL TO ORDER / ROLL CALL

1. PUBLIC COMMENTS: At this time members of the public may address the City Council regarding any item listed on the agenda. Those persons wishing to address the City Council are requested to complete and submit to the City Clerk a "Request to Speak" form available at the entrance to the City Council Chambers. Comments will be limited to three minutes per speaker.

DISCUSSION CALENDAR

2. Adopt resolution declaring local emergency resulting from COVID-19 Pandemic and ratifying City Manager's Administrative Declaration of Emergency dated March 11, 2020, and adopt by four/fifth's vote an Urgency Ordinance and an Ordinance Amending Chino Hills Municipal Code Section 2.44.080, Subsection B Requiring City Council Review of Necessity for Continuing Local Emergency Every Sixty Days; and find that the resolution and ordinances are exempt from review under the California Environmental Quality Act

ADJOURN



COUNCIL AGENDA STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS DATE: 03/17/2020
FROM: CITY MANAGER ITEM NO: 2
SUBJECT: ADOPT RESOLUTION DECLARING LOCAL EMERGENCY - COVID-19
PANDEMIC AND RELATED URGENCY ORDINANCE AMENDING CHMC
2.44.080

RECOMMENDATION:

1. Adopt a Resolution declaring a local emergency resulting from the COVID-19 Pandemic and ratifying the City Manager's Administrative Declaration of Emergency dated March 16, 2020; and
2. Adopt by four/fifth's vote an Urgency Ordinance entitled: AN URGENCY ORDINANCE OF THE CITY OF CHINO HILLS AMENDING CHINO HILLS MUNICIPAL CODE SECTION 2.44.080, SUBSECTION B REQUIRING CITY COUNCIL REVIEW OF NECESSITY FOR CONTINUING LOCAL EMERGENCY EVERY SIXTY DAYS
3. Introduce an Ordinance entitled: AN ORDINANCE OF THE CITY OF CHINO HILLS AMENDING CHINO HILLS MUNICIPAL CODE SECTION 2.44.080, SUBSECTION B REQUIRING CITY COUNCIL REVIEW OF NECESSITY FOR CONTINUING LOCAL EMERGENCY EVERY SIXTY DAYS
4. Find that the Resolution and Ordinances are exempt from review under the California Environmental Quality Act

BACKGROUND/ANALYSIS:

On March 4, 2020, the Governor proclaimed a State of Emergency relating to the coronavirus identified as COVID-19 and the worldwide spread of a new disease against which most people do not have immunity. On March 11, 2020, the World Health Organization declared COVID-19 to be a pandemic, and on March 13, 2020, the President declared a National Emergency. On March 16, 2020, the City Manager declared a local emergency by proclamation, but this action must be ratified within seven days.

As of the date of this report, there are currently no known cases of COVID-19 in the City of Chino Hills, and one known case in the County of San Bernardino. However, given the scope of the potential danger and the likelihood that the pandemic will worsen, the City's Emergency Management Coordinator and the City Manager, acting as the City's Director of Emergency Services, are recommending the City Council proclaim a local emergency by adopting the attached resolution.

The proclamation of a local emergency is important for several reasons, including:

1. It gives public employees, such as first responders, and governing bodies, such as the City Council, legal immunities for emergency actions taken.

2. It allows the City to request state assistance under the California Disaster Assistance Act.
3. It allows the City Manager or designee to take any measures necessary to protect and preserve public health and safety, and exercise all authority granted by the City's code relating to emergency services (Chino Hills Municipal Code (CHMC) Chapter 2.44).

If the resolution is adopted and a local emergency is proclaimed, the City Council must review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Currently, the CHMC requires that the review must take place within 14 days after the resolution is adopted. (CHMC Section 2.44.080.) When this provision was enacted in 1994, state law required that this periodic review be every 14 days. However, over the years the Legislature has steadily increased the time for periodic review so that now Government Code section 8630 only requires that this review occur every sixty (60) days. Given the nature of this crisis that can cause severe illness, there is a possibility that some or a majority of the Council Members may be too ill to meet every fourteen days. Thus, there is an urgent need to lengthen the time for public review to conform to State laws' longer review period. Finally, in keeping with our standard policy to always adopt a "back-up" ordinance in case the urgent ordinance is invalidated for some reason, staff also recommends that the identical regular ordinance be introduced.

The City Council must proclaim the termination of the local emergency at the earliest possible date that conditions warrant. (Gov. Code § 8630.)

The COVID-19 Pandemic continues to impact all facets of our community. Declaring a local emergency will provide flexibility to the City for rapidly responding to this crisis. Doing so will help protect the City's residents and visitors.

ENVIRONMENTAL (CEQA) REVIEW:

The proposed Ordinance and Resolution, and the actions anticipated by the Resolution, were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare. CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

FISCAL IMPACT:

Unknown at this time. The City Manager's office will provide a report within 30 days after the City Council's action.

Respectfully Submitted,


Benjamin Montgomery
City Manager

Attachments Resolution
Local Emergency Proclamation
Draft Urgency Ordinance
Draft Ordinance

RESOLUTION NO. 2020R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHINO HILLS, CALIFORNIA, CONFIRMING EXISTENCE
OF A LOCAL EMERGENCY

WHEREAS, Chapter 2.44 of the City of Chino Hills's Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this city, and it is imperative to implement measures to monitor and limit the potential spread of COVID-19 (Coronavirus); commencing on or about 8:00 a.m. on the 16th day of March, 2020; at which time the City Council of the City of Chino Hills was not in session;

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency relating to the coronavirus identified as COVID-19 and the worldwide spread of a new disease against which most people do not have immunity;

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus identified as COVID-19 to be a pandemic:

WHEREAS, on March 13, 2020, the President declared a National Emergency relating to COVID-19;

WHEREAS, the dangers presented by the COVID-19 Pandemic caused the City Manager to proclaim the existence of a local emergency beginning on March 16, 2020 in accordance with the Chino Hills Municipal Code ("CHMC") as specified in attached Exhibit "A" ("Declaration of Emergency").

WHEREAS, the COVID-19 Pandemic is causing extreme peril to the safety of persons and property;

WHEREAS, based upon information provided to the City Council by the City Manager, acting as the Director of Emergency Services, including, without limitation, set forth in the staff report accompanying this Resolution, it is apparent that local resources are unable to completely cope with the effects of this emergency; and

WHEREAS, accordingly, the Director of Emergency Services is hereby requesting the City Council proclaim the existence of a local emergency and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril did warrant and necessitate the proclamation of the existence of a local emergency; and

WHEREAS, the Director of Emergency Services of the City of Chino Hills did proclaim the existence of a local emergency within said city on the 16th day of March, 2020;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF CHINO HILLS THAT:

SECTION 1: The City Council has reviewed the state of the community and ratifies the City Manager's Declaration of Emergency.

SECTION 2: In accordance with Chino Hills Municipal Code Chapter 2.44, and applicable law, that due to the COVID-19 Pandemic, the City Council declares a local emergency exists within the territorial limits of the City of Chino Hills, and said local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of Chino Hills, State of California,

SECTION 3: The City Manager, as the Director of Emergency Services, is empowered to carry out all emergency powers conferred upon him as the Emergency Services Director by local and state laws, and by all other lawful authority, as may be necessary to protect life and property.

SECTION 4: During the existence of this local emergency, the powers, functions, and duties of the Emergency Services Director and the emergency organization of this City will be those prescribed by state law, by ordinance, and resolutions of this City approved by the City Council.

SECTION 5: Since local resources are unable to cope with the effects of this emergency, the City Council directs the Emergency Services Director to forward a copy of this resolution to the Governor of California with the request that he proclaim the City of Chino Hills to be in a state of emergency.

SECTION 6: The Emergency Services Director is directed to send this resolution to the California Office of Emergency Services (OES).

SECTION 7: Pursuant to the California Disaster Assistance Act (CDAA), the City Council hereby states its intent to seek financial assistance through CDAA, the City Council has identified, and can certify, local resources are insufficient and the situation is beyond the City's capabilities.

SECTION 8: The City Manager is designated as the authorized representative for public assistance and as the authorized representative for individual assistance of the City of Chino Hills for the purpose of receiving, processing, and coordinating all inquiries and requirements necessary to obtain available state and federal assistance.

SECTION 9: This Resolution itself and the actions anticipated by the Resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the “CEQA Guidelines”). Based upon that review, this action is exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.

SECTION 10: This local emergency will continue to exist until otherwise determined by City Council Resolution.

SECTION 11: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 12: The City Clerk will certify to the passage and adoption of this Resolution; will enter the same in the book of original Resolutions of said City; and will make a minute of the passage and adoption thereof in the record of proceedings of the City Council of said City, in the minutes of the meeting at which the same is passed and adopted.

PASSED, APPROVED, AND ADOPTED this xxxx day of March 2020.

ART BENNETT, MAYOR

ATTEST:

CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) §
CITY OF CHINO HILLS)

I, Cheryl Balz, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that the foregoing Resolution No. 2020R- was duly adopted at a regular meeting of the City Council of the City of Chino Hills held on the xxx day of March, 2020, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this xxx day of March, 2020.

CHERYL BALZ, CITY CLERK

City of Chino Hills

Proclamation

LOCAL EMERGENCY PROCLAMATION

WHEREAS, Section 2.44.080 of the Chino Hills Municipal Code empowers the City Manager acting as the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said City of Chino Hills is affected or likely to be affected by a public calamity and the City Council is not in session, and;

WHEREAS, the City Manager of the City of Chino Hills does hereby find:

That conditions of extreme peril to the safety of persons and property which began on or before the 16th day of March, 2020 and it is imperative to implement measures to monitor and limit the potential spread of COVID-19 (Coronavirus); On March 11, 2020, the World Health Organization ("WHO") declared COVID-19 to be a pandemic: the worldwide spread of a new disease against which most people do not have immunity. On March 13, 2020, the President of the United States declared a National Emergency, and;

The declaration by WHO on March 11, 2020 follows the Governor's Proclamation of a State of Emergency on March 4, 2020.

These conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

That these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of said City/County, and;

That the City Council of the City of Chino Hills is not in session and cannot immediately be called into session;

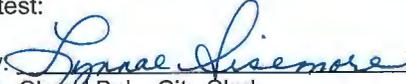
NOW, THEREFORE, IT IS HEREBY PROCLAIMED that a local emergency now exists throughout said City of Chino Hills, and;

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of said local emergency the powers, functions, and duties of the emergency organization of this City of Chino Hills shall be those prescribed by state law, by ordinances, and resolutions of this City of Chino Hills, and; that this emergency proclamation shall expire in 7 days after issuance unless confirmed and ratified by the governing body of the City of Chino Hills.

Dated: March 16, 2020

By: 
Benjamin Montgomery, City Manager
14000 City Center Drive
Chino Hills, California

Attest:

By: 
for Cheryl Balz, City Clerk



ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY OF CHINO HILLS, AMENDING CHINO HILLS MUNICIPAL CODE SECTION 2.44.080, SUBSECTION B REQUIRING CITY COUNCIL REVIEW OF NECESSITY FOR CONTINUING LOCAL EMERGENCY EVERY SIXTY DAYS

WHEREAS, Chapter 2.44 of the City of Chino Hills's Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this city, and it is imperative to implement measures to monitor and limit the potential spread of COVID-19 (Coronavirus); commencing on or about 8:00 a.m. on the 16th day of March, 2020; at which time the City Council of the City of Chino Hills was not in session;

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency relating to the coronavirus identified as COVID-19 and the worldwide spread of a new disease against which most people do not have immunity;

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus identified as COVID-19 to be a pandemic:

WHEREAS, on March 13, 2020, the President declared a National Emergency relating to COVID-19;

WHEREAS, the dangers presented by the COVID-19 Pandemic caused the City Manager to proclaim the existence of a local emergency beginning on March 16, 2020 in accordance with the Chino Hills Municipal Code ("CHMC")

WHEREAS, the COVID-19 Pandemic is causing extreme peril to the safety of persons and property;

WHEREAS, based upon information provided to the City Council by the City Manager, acting as the Director of Emergency Services, including, without limitation, set forth in the staff report accompanying this Resolution, it is apparent that local resources are unable to completely cope with the effects of this emergency; and

WHEREAS, accordingly, the Director of Emergency Services is hereby requesting the City Council proclaim the existence of a local emergency and

WHEREAS, currently CHMC Section 2.44.080, which was enacted in 1994, requires that this periodic review of the necessity of continuance of this local emergency occur every 14 days.

WHEREAS, current Government Code section 8630 only requires that review of the necessity of continuance of this local emergency only occur every sixty (60) days, and, given the nature of this crisis that can cause severe illness, there is a possibility that some or a majority of the Council Members may be too ill to meet every fourteen days as is currently required, there is an urgent need to lengthen the time for public review to conform to State laws' longer review period.

WHEREAS, adoption of this Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Subsection B. of Section 2.44.080 of the Chino Hills Municipal Code is revised to read as follows:

B. To request the City Council to proclaim the existence of a local emergency if such Council is in session, or to issue such proclamation if such Council is not in session. Whenever a local emergency is proclaimed by the Director of Emergency Services, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect. The City Council shall review the necessity for continuing the local emergency no less frequently than every sixty (60) days until the emergency is terminated;

SECTION 2. Inconsistencies. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02. Any provision of the Chino Hills Municipal Code (CHMC) or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 4. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 6. Preservation. Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. Declaration of Urgency. Based on the findings set forth in the introduction to this ordinance, this is an urgency ordinance adopted for the immediate preservation of the public peace, health and safety. This Ordinance is adopted by a four-fifths vote and will become effective immediately upon adoption pursuant to Government Code section 36937(b).

INTRODUCED, APPROVED, AND ADOPTED this __ day of _____, 20xx.

ART BENNETT, MAYOR

ATTEST:

CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. _____u was duly introduced and adopted at a special meeting held _____, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Urgency Ordinance was published on _____ in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this _____ day of _____, 2020.

CHERYL BALZ, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CHINO HILLS,
AMENDING CHINO HILLS MUNICIPAL CODE SECTION
2.44.080, SUBSECTION B REQUIRING CITY COUNCIL
REVIEW OF NECESSITY FOR CONTINUING LOCAL
EMERGENCY EVERY SIXTY DAYS

WHEREAS, Chapter 2.44 of the City of Chino Hills's Municipal Code empowers the Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said city is affected or likely to be affected by a public calamity and the City Council is not in session, subject to ratification by the City Council within seven days; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen within this city, and it is imperative to implement measures to monitor and limit the potential spread of COVID-19 (Coronavirus); commencing on or about 8:00 a.m. on the 16th day of March, 2020; at which time the City Council of the City of Chino Hills was not in session;

WHEREAS, on March 4, 2020, the Governor proclaimed a State of Emergency relating to the coronavirus identified as COVID-19 and the worldwide spread of a new disease against which most people do not have immunity;

WHEREAS, on March 11, 2020, the World Health Organization declared the coronavirus identified as COVID-19 to be a pandemic:

WHEREAS, on March 13, 2020, the President declared a National Emergency relating to COVID-19;

WHEREAS, the dangers presented by the COVID-19 Pandemic caused the City Manager to proclaim the existence of a local emergency beginning on March 16, 2020 in accordance with the Chino Hills Municipal Code ("CHMC");

WHEREAS, the COVID-19 Pandemic is causing extreme peril to the safety of persons and property;

WHEREAS, based upon information provided to the City Council by the City Manager, acting as the Director of Emergency Services, including, without limitation, set forth in the staff report accompanying this Resolution, it is apparent that local resources are unable to completely cope with the effects of this emergency;

WHEREAS, accordingly, the Director of Emergency Services is hereby requesting the City Council proclaim the existence of a local emergency;

WHEREAS, currently Chino Hills Municipal Code Section (CHMC) 2.44.080, which was enacted in 1994, requires that this periodic review of the necessity of continuance of this local emergency occur every 14 days;

WHEREAS, current Government Code Section 8630 only requires that review of the necessity of continuance of this local emergency only occur every sixty (60) days, and, given the nature of this crisis that can cause severe illness, there is a possibility that some or a majority of the Council Members may be too ill to meet every fourteen days as is currently required, there is an urgent need to lengthen the time for public review to conform to State laws' longer review period; and

WHEREAS, adoption of this Ordinance is not subject to review under the California Environmental Quality Act ("CEQA") under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Subsection B. of Section 2.44.080 of the Chino Hills Municipal Code is revised to read as follows:

B. To request the City Council to proclaim the existence of a local emergency if such Council is in session, or to issue such proclamation if such Council is not in session. Whenever a local emergency is proclaimed by the Director of Emergency Services, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect. The City Council shall review the necessity for continuing the local emergency no less frequently than every sixty (60) days until the emergency is terminated;

SECTION 2. Inconsistencies. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinance Nos. 91-01 and 92-02. Any provision of the Chino Hills Municipal Code (CHMC) or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 4. Effect of Repeal. Repeal of any provision of the CHMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date.

Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 5. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CHMC or other City Ordinance by this Ordinance will be rendered void and cause such previous CHMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 6. Preservation. Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 20xx.

ART BENNETT, MAYOR

ATTEST:

CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:

MARK D. HENSLEY, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. _____ was duly introduced at a special meeting held March 17, 2020; and adopted at a regular meeting of the City Council held on the _____ day of _____, 2020 by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

I, CHERYL BALZ, City Clerk of the City of Chino Hills further certify that summaries of the Ordinance were published on _____ and _____ in the Chino Hills Champion newspaper.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Chino Hills, California, this _____ day of _____, 2020.

CHERYL BALZ, CITY CLERK