



# AGENDA

CITY COUNCIL SPECIAL MEETING  
OF THE CITY OF COACHELLA  
THE COUNCIL SITTING AS THE COACHELLA SANITARY DISTRICT,  
COACHELLA FIRE PROTECTION DISTRICT, COACHELLA FINANCING AUTHORITY,  
COACHELLA EDUCATIONAL AND GOVERNMENTAL ACCESS CABLE CHANNEL CORPORATION,  
COACHELLA WATER AUTHORITY, AND SUCCESSOR AGENCY TO THE COACHELLA REDEVELOPMENT AGENCY

**April 08, 2020**  
1:00 PM

---

Pursuant to Executive Order N-29-20, this meeting will be conducted by teleconference and there will be no in-person public access to the meeting location.

- Submit your public comment to the City Council electronically. Material may be emailed to [cityclerk@coachella.org](mailto:cityclerk@coachella.org). Transmittal **prior** to the start of the meeting is required.
- Any correspondence received will be distributed to the City Council and retained for the official record.
- You may provide telephonic comments by calling the City Clerk at **(760)-262-6240** by **no later than 1:00 p.m.** to be added to the public comment queue. At the appropriate time, you will be called so that you may provide your public testimony to the City Council.

## **CALL TO ORDER:**

## **ROLL CALL:**

## **APPROVAL OF AGENDA:**

“At this time the Council/ Board/Corporation/Authority may announce any items being pulled from the Agenda or continued to another date or request the moving of an item on the agenda”

## **NEW BUSINESS CALENDAR (LEGISLATIVE AND ADMINISTRATIVE):**

1. Ordinance No. 1160, an Urgency Ordinance of The City of Coachella, California, Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (Covid-19), and Setting Forth the Facts Constituting Such Urgency
2. Resolution No. 2020-20 of the City Council of the City of Coachella, California, Amending the Administrative Fine Schedule for Certain Violations of the Coachella Municipal Code.

**CLOSED SESSION:**

3. THREAT TO PUBLIC SERVICES – Pursuant to California Government Code, Section 54957. Consultation regarding COVID-19 (Coronavirus) impacts to public facilities and services

**CLOSED SESSION ANNOUNCEMENTS:**

**ADJOURNMENT:**

*Complete Agenda Packets are available on the City's website [www.coachella.org](http://www.coachella.org).*



**STAFF REPORT**  
**4/8/2020**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Ordinance No. 1160, an Urgency Ordinance of The City of Coachella, California, Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (Covid-19), and Setting Forth the Facts Constituting Such Urgency

---

**STAFF RECOMMENDATION:**

Approval of the Urgency Ordinance of The City of Coachella, California, Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent or Loan Payments Where the Failure to Pay Results from Income Loss Resulting from the Novel Coronavirus (Covid-19), and Setting Forth the Facts Constituting Such Urgency.

**DISCUSSION/ANALYSIS:**

The Center for Disease Control and Prevention (“CDC”) has been monitoring the outbreak of a respiratory illness caused by a novel coronavirus (“2019-nCoV”) that was initially detected in December 2019. The virus has been named “SARS-CoV-2” and the disease it causes has been named “corona virus disease 2019” (abbreviated COVID-19).

Governments worldwide are responding to the outbreak of COVID-19 which according to John Hopkins University has affected over 175 counties/regions with over 510,000 confirmed cases worldwide. In the US there are over 75,000 confirmed cases with over 1,000 confirmed deaths. On March 4, 2020, the Governor of the State of California declared a state of emergency in the State of California as a result of the threat of COVID-19. On March 8, 2020, the Riverside County Health Officer declared a local and public health state of emergency in response to the increased spread of COVID-19, the disease caused by the novel coronavirus. On March 19, 2020, the City Manager, as the City’s Emergency Services Director, proclaimed the existence of a local emergency. As of March 25, 2020, there are at least 8 confirmed deaths in Riverside, with at least 7 in the Coachella Valley, due to COVID-19.

In response to the global pandemic, experts are urging all individuals — even those who are not displaying symptoms — to practice social distancing, which refers to avoiding close contact with other individuals in order to avoid catching the virus yourself and to avoid passing it on to others. The Centers for Disease Control and Prevention recommends that people who are mildly ill with

COVID-19 or other similar illnesses self-isolate to avoid interacting in public. Public and private schools in the region have closed in order to try to slow the spread of the virus. On March 19, 2020, the State of California imposed a “shelter in place” order, which required all persons to stay at home, unless they are essential workers.

While these measures are necessary to fight the global pandemic, they can have extreme economic impacts. Fear of the widening public health crisis has impacted consumer behavior. Bars, restaurants and gyms have been ordered closed, and restaurants may now only provide drive through or pick-up service. All non-essential stores have been ordered closed. This has also reduced non-essential travel. As a result of these emergency measures, tenants within our community may see their incomes reduced or may have to take time off work to care for their health or the health of family members. In the face of this uncertainty, people may need to make difficult financial decisions and may be unable to pay rent due to reduced income. Even commercial evictions undermine efficacy of stay-at-home and shelter-in-place orders issued by federal, state, and local health authorities because commercial evictions result in group activities such as packing, loading, transporting, and unpacking materials, equipment, and other property, and repairing premises.

On March 16, 2020, Governor Newsom issued Executive Order N-28-20, which among other things, suspended any state law that would preempt cities’ exercise of their police power to impose substantive limitations on residential or commercial evictions, if the basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses. In addition, under Executive Order N-28-20, the decrease in household or business income or medical expenses would have to have been documented and caused by the COVID-19 pandemic or any government response to COVID-19.

On March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors.

This urgency ordinance proposes a moratorium on residential and commercial evictions for failure to pay rent during this emergency period, if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19. Under the proposed ordinance, a landlord knows of a tenant’s inability to pay rent for the covered reasons if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. Notification “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim.

For purposes of this ordinance “financial impacts related to COVID-19” include, but are not limited to, tenant lost household income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off,

loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

Notably, the ordinance does not relieve the tenant from eventually paying the rent to the landlord. Instead, the ordinance provides that the tenant must pay any unpaid rent within six months after the expiration of the local emergency. However, the landlord may not charge a late fee on the rent. The ordinance is intended to be narrow and no other legal remedies available to landlord are affected by this ordinance.

The proposed ordinance similarly restricts eviction of an occupant of a residential property after foreclosure for nonpayment of loan payments if the occupant demonstrates that the occupant is unable to pay the loan payment due to financial impacts related to COVID-19.

If approved, the ordinance will go into effect immediately upon adoption and will remain in effect for sixty days, and authorizes the City Manager (Director Emergency Services) to further extend the ordinance during the period of local emergency. In order to prevent inconsistencies in the law, the City Manager may also suspend the local ordinance if a similar federal or state law is adopted.

As of the writing of this staff report, other cities in California, including San Jose, Hayward, Oakland, Sacramento, Los Angeles, San Diego, and Santa Monica have approved, or are considering, similar urgency measures.

California State Senator Scott Wiener and Assembly Member Phil Ting have called on California and the federal government to immediately place an emergency moratorium on evictions — for both renters and businesses — as well as home foreclosures. Any legislation introduced would need a supermajority vote (two-thirds of the Legislature) in both houses of the Legislature to take effect immediately. The City Attorney’s Office and staff will continue to track and monitor these proposals at the state level to determine how it may impact Coachella residents and businesses.

During a state of emergency, it is a crime for a landlord to take advantage of the situation by evicting a tenant and then raising the rent above the existing tenant's rent under Penal Code s. 396(f). This ordinance will provide additional protections to tenants. In addition to the City’s general police power under article XI, section 5 of the California Constitution, during a local emergency, Government Code, § 8634 and the City’s Municipal Code also authorize the City to promulgate orders and regulations necessary to provide for the protection of life and property. The coronavirus outbreak presents a health and financial crisis to all and this situation is unprecedented and constantly evolving.

This urgency measure will provide protections to those who have had unforeseen financial impacts due to COVID-19. Displacement through eviction creates undue hardship for tenants through additional relocation costs, stress and anxiety, and the threat of homelessness due to the

lack of alternative housing, and lack of moving services and supplies as stores and businesses close. During the COVID-19 pandemic outbreak, affected tenants who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted. People experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care.

The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19. Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19.

This situation is unprecedented and the circumstances are changing hourly. The situation is evolving so rapidly that it is hard to capture the full scale of the closures. However, City residents will be unable to work at any non-essential job that requires physical presence. Businesses are expected to see a sharp drop in revenue, making it difficult to pay workers. Wages are expected to drop sharply and this ordinance will allow individuals to follow the national, state and local directives to stay home without fear of losing their home or business during this emergency.

**ALTERNATIVES:**

- 1. Do not adopt the Urgency Ordinance.
- 2. Provide additional direction.

**FISCAL IMPACT:**

None Anticipated.

**RECOMMENDED ALTERNATIVE(S):**

None.

**URGENCY ORDINANCE NO. 1160**

**AN URGENCY ORDINANCE OF THE CITY OF COACHELLA, CALIFORNIA, ENACTING A TEMPORARY MORATORIUM ON EVICTIONS DUE TO NON-PAYMENT OF RENT OR LOAN PAYMENTS WHERE THE FAILURE TO PAY RESULTS FROM INCOME LOSS RESULTING FROM THE NOVEL CORONAVIRUS (COVID-19), AND SETTING FORTH THE FACTS CONSTITUTING SUCH URGENCY**

**WHEREAS**, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS - CoV-2” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19 (“COVID-19”); and

**WHEREAS**, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

**WHEREAS**, on March 8, 2020, the Riverside County Health Officer declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

**WHEREAS**, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

**WHEREAS**, on March 16, the Governor of the State of California issued an Executive Order temporarily reducing limits on local governments’ ability to impose their own “substantive limitations on residential or commercial evictions” through May 31, 2020; and

**WHEREAS**, on March 19, 2020, the City Manager, as the City’s Emergency Services Director, proclaimed the existence of a local emergency to ensure the availability of mutual aid and an effective the City’s response to COVID-19; and

**WHEREAS**, on March 19, 2020, the Governor of the State of California, also issued Executive Order N-33-20, an Order of the State Public Health Officer ordering all individuals living in California to stay home or at their place of residence except as needed to maintain continuity of operations of outlined federal critical infrastructure sectors; and

**WHEREAS**, the federal Centers for Disease Control and Prevention, the California Department of Health, and the Riverside County Department of Public Health have all issued recommendations including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

**WHEREAS**, as a result of the public health emergency and the precautions recommended by health authorities, many residential and commercial tenants, as well as homeowners, in Coachella have experienced or expect soon to experience sudden and unexpected income loss; and

**WHEREAS**, the Governor of the State of California has stated that individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

**WHEREAS**, local schools are closed to prevent further spread of COVID-19. These school closures will cause children to have to remain at home, leading to many parents adjusting their work schedules to take time off work, whether paid or unpaid. Hourly wage earners are unlikely to be paid for time off. The inability to work due to school closures will economically strain those families who cannot afford to take off time from work to stay at home; and

**WHEREAS**, eviction of commercial tenants or homeowners would inevitably result in group activities, including but not limited to: packing, loading, transporting, and unloading equipment, materials, and other personal property; inspections; and repairs; and

**WHEREAS**, the situation is unprecedented and evolving rapidly. Further economic impacts are anticipated, leaving tenants and homeowners vulnerable to eviction; and

**WHEREAS**, this Ordinance is only intended to be temporary in nature, to promote stability and fairness within the residential rental and non-residential real estate markets in the City during the COVID-19 pandemic outbreak, and to prevent avoidable group activities, homelessness and widespread business disruption, thereby serving the public peace, health, safety, and public welfare and to enable tenants and homeowners in the City whose income and ability to work is affected due to COVID-19 to remain in place in their homes and places of business; and

**WHEREAS**, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise authority to adopt this ordinance related to the protection of life and property, to ensure that people shelter in place to prevent the spread of COVID-19. During the COVID-19 pandemic outbreak, affected tenants and homeowners who have lost income due to impact on the economy or their employment may be at risk of homelessness if they are evicted for non-payment as they will have little or no income and thus be unable to secure other housing if evicted; and

**WHEREAS**, people experiencing homelessness are especially vulnerable to the spread of COVID-19 due to an inability to practice social distancing and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless populations during this emergency to limit exposure to and spreading of COVID-19.



Widespread evictions of tenants vulnerable to eviction due to financial hardship occurring due to COVID-19 would exacerbate the challenge of sheltering the homeless during this emergency, and increase the risk of spread of COVID-19; and

**WHEREAS**, businesses and other tenants of non-residential properties will be similarly harmed by having to engage in group activities that will increase their risk of exposure to COVID-19, with significant consequences for the public health, safety, and welfare; and

**WHEREAS**, promoting stability amongst commercial tenancies is also conducive to public health, allowing businesses to follow the advice and directives of public health officials to close, and allowing employees to avoid public contact, during times of a public health crisis without fear of imminent eviction; and

**WHEREAS**, the City desires to prohibit evictions due to non-payment of rent for tenants of all types of properties or due to non-payment of loan payments by homeowners where the failure to pay results from income loss resulting from COVID-19; and

**WHEREAS**, the City has authority to adopt this Ordinance under the City’s police power and the powers afforded to the city in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and the City’s Municipal Code to protect the peace, health, and safety of the public. The Coachella City Council finds that this ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Temporary Moratorium on Evictions for Non-Payment of Rent by Residential Tenants Impacted by the COVID-19 Crisis.**

A. Notwithstanding anything to the contrary in the Coachella Municipal Code, during the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a residential or commercial tenant for nonpayment of rent if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19.

B. A landlord who knows that a tenant cannot pay some or all of the rent temporarily for the reasons set forth above shall not serve a notice pursuant to CCP 1161(2), file or prosecute an unlawful detainer action based on a pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a tenant’s inability to pay rent within the meaning of this ordinance if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19 and provide documentation to support the claim by the time of payment of back-due rent. Any documentation that is provided to support this claim is presumed to be adequate for this purpose,

and the burden is on the landlord to prove that it is inadequate. For purposes of this ordinance, “in writing” includes email or text communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim.

C. For purposes of this Ordinance “financial impacts related to COVID-19” include, but are not limited to, tenant lost household or business income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) lay-off, loss of hours, or other income reduction resulting from business closure or other economic or employer impacts of COVID-19; (3) compliance with a recommendation from a government health authority to stay home, self-quarantine, or avoid congregating with others during the state of emergency; (4) extraordinary out-of-pocket medical expenses; or (5) child care needs arising from school closures related to COVID-19.

D. This Ordinance applies to nonpayment eviction notices and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed. Violation of this Ordinance shall be punishable as set forth in Sections 1.08.010 and 2.56.100 of the Coachella Municipal Code. In addition, this ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this ordinance.

E. Nothing in this Ordinance shall relieve the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months following the expiration of the local emergency. A landlord may not charge or collect any interest or any late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

F. No other legal remedies available to landlord are affected by this Ordinance.

**SECTION 2. Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis.**

A. Commercial landlords in the City are hereby prohibited from evicting commercial tenants for nonpayment of rent with respect to tenants whose businesses are subject to State and County orders or are otherwise limited or closed (voluntarily or by mandate) to prevent or reduce the spread of COVID-19 and who demonstrate lost income and inability to pay rent as a result of such limitation or closure or other demonstrated financial impact related to COVID-19.

B. A landlord knows of a tenant’s lost income and inability to pay rent within the meaning of this Ordinance if the tenant, within 30 days after the date rent is due, notifies the landlord in writing of the lost income and inability to pay rent due to a limitation or closure of the tenant’s business related to COVID-19. The tenant must provide documentation to support the claim by the time of payment of back-due rent. Any documentation that is provided to support this claim is presumed to be adequate for this purpose, and the burden is on the landlord to prove that it is inadequate. For purposes of this ordinance, “in writing” includes email or text

communications to a landlord or the landlord’s representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant’s claim.

C. If a tenant suffers only a partial loss of income, the tenant shall pay the pro-rated share of their rent that corresponds to the income they generated during the period of loss.

D. This Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this order. Violation of this Ordinance shall be punishable as set forth in the Coachella Municipal Code.

G. Nothing in this Ordinance relieves the tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency and the tenant must pay within six months following the expiration of the local emergency. A landlord may not charge or collect any interest or any late fee for rent that is delayed for the reasons stated in this ordinance; nor may a landlord seek rent that is delayed or the reasons stated in this ordinance through the eviction process.

H. No other legal remedies available to landlord are affected by this Ordinance.

**SECTION 3. Temporary Suspension on Ejection of Occupant After Residential Foreclosure.**

A. No ejection action after foreclosure against an occupant of a residential property shall be initiated or proceed during the period of declared local emergency in the City of Coachella if foreclosure results from nonpayment of a loan payment due to a demonstrated financial impact related to COVID-19. Nothing in this Ordinance relieves the occupant of liability for any unpaid loan payments, which the lender may seek after expiration of the local emergency and which the borrower must pay within six months of the expiration of the local emergency, unless a different time is agreed to between the parties. The respective rights and obligations of the parties in any foreclosure-related ejection proceeding shall be adjudicated in the appropriate court of law with jurisdiction over the matter at the conclusion of the local emergency or rescission of this Ordinance.

B. Lenders are strongly encouraged to offer payment plans to borrowers to avoid foreclosure and ejection after the period of local emergency.

C. No other legal remedies available to parties to any foreclosure proceeding are affected by this Ordinance.

**SECTION 4. Temporary Effect.** This Ordinance remains in effect through May 31, 2020, unless extended by the City Council or the City’s Director of Emergency Services.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase or word of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

**SECTION 6. Environmental Review.** The City Council finds that adoption and implementation of this ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the proposed amendment will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Coachella, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

**SECTION 7. Urgency Declaration; Effective Date.** The City Council **FINDS** and **DECLARES** that the adoption and implementation of this Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above and as the City and public would suffer potentially irreversible displacement of tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement, to protect the City’s affordable housing stock, and to prevent housed individuals from falling into homelessness. Loss of income as a result of COVID-19 may inhibit City residents and businesses from fulfilling their financial obligations, including payment of rent. Under Government Code Section 8634 and the City’s Municipal Code, this Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

**SECTION 8. Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published on the City’s website and published once in a newspaper of general circulation published and circulated within the City.

**PASSED, APPROVED and ADOPTED** this 8<sup>th</sup> day of April 2020.

\_\_\_\_\_  
Steven A. Hernandez  
Mayor

**ATTEST:**

\_\_\_\_\_  
Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

---

Carlos Campos  
City Attorney

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

I, Andrea J. Carranza, Deputy City Clerk of the City of Coachella, California, do hereby certify that Ordinance No. 1160 is a full, true, and correct copy, and was adopted at a special meeting of the Coachella City Council on April 8, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the official seal of the City of Coachella, California, this 8<sup>th</sup> day of April 2020.

\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk



**STAFF REPORT**  
**4/8/2020**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best & Krieger LLP, City Attorney

**SUBJECT:** Resolution No. 2020-20 of the City Council of the City of Coachella, California, Amending the Administrative Fine Schedule for Certain Violations of the Coachella Municipal Code.

**STAFF RECOMMENDATION:**

Approval of Resolution of the City Council of the City of Coachella, California, Amending the Administrative Fine Schedule for Certain Violations of the Coachella Municipal Code.

The proposed Resolution would amend the City's current Administrative Fine Schedule to specify a fine for a violation of Section 1.08.030 of the Coachella Municipal Code, recently added by the City Council's adoption of Ordinance No. 1159 on May 24, 2020.

On March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the broad spread of the COVID-19 virus. Shortly thereafter, on March 8, 2020 the Riverside County Public Health Officer declared a local health emergency in response to COVID-19; and on March 13, 2020, the President of the United States declared a state of national emergency regarding the same.

On March 19, 2020, the Governor issued Executive Order N-33-20 that ordered the closure of all non-essential retail businesses (subject to certain exceptions), indoor malls, shopping centers, and playgrounds for children. The Order also required for people to stay home and prohibited all public and private gatherings and events in an effort to slow the spread of the virus.

A city can generally enforce an order of the Governor made pursuant to the Emergency Services Act, or an order of the State Department of Public Health or the Riverside County Health Officer, by pursuing violations criminally through its local peace officers and District Attorney's Office, pursuant to Government Code section 8665 and Health and Safety Code sections 101029 and 120155.

In order to supplement its ability to enforce such emergency orders through the Coachella Municipal Code ("CMC"), the Coachella City Council adopted Urgency Ordinance No. 1159 adding Section 1.08.030 to the Coachella Municipal Code making it unlawful for any person to violate any emergency order made by the Governor of the State of California under the Emergency Services Act or any order of the State Department of Public Health or Riverside

County Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

Coachella Municipal Code section 3.20.020 allows for the adoption of a schedule of fines for administration citations, pursuant to Government Code section 53069.4, which may be amended from time to time. On November 9, 2016, the City Council adopted Resolution No. 2016-56 adopting the current Administrative Fine Schedule pursuant to Coachella Municipal Code section 3.20.020.

Coachella Municipal Code section 1.08.030 authorizes the imposition of a fine for violation of the section through the issuance of an administrative citation. An amendment to the November 9, 2016 Administrative Fine Schedule is proposed to specify a \$1,000 fine for violation of Section 1.08.030 of the Coachella Municipal Code.

A violation of a State or County order intended to protect public health and safety warrants the increased fine amount for several reasons. A substantial fine is more likely to result in abatement of the violation, especially where the violation involves business activity that is profitable. A substantial fine is also necessary to adequately punish activity that places the health and safety of the community at risk. Finally, a substantial will adequately deter others from engaging in similar unlawful activity.

**ALTERNATIVES:**

- 1. Do not adopt the Resolution.
- 2. Provide additional direction.

**FISCAL IMPACT:**

None Anticipated.

**RECOMMENDED ALTERNATIVE(S):**

None.



**RESOLUTION NO. 2020-20**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING THE ADMINISTRATIVE FINE SCHEDULE FOR CERTAIN VIOLATIONS OF THE COACHELLA MUNICIPAL CODE.**

**WHEREAS**, Coachella Municipal Code section 3.20.020 allows for the adoption of a schedule of fines for administration citations pursuant to Government Code section 53069.4; and

**WHEREAS**, on November 9, 2016, the City Council adopted Resolution No. 2016-56 adopting an Administrative Fine Schedule pursuant to Coachella Municipal Code section 3.20.020; and

**WHEREAS**, the Coachella City Council adopted Urgency Ordinance No. 1159 adding Section 1.08.030 to the Coachella Municipal Code making it unlawful for any person to violate any emergency order made by the Governor of the State of California under the Emergency Services Act or any order of the State Department of Public Health or Riverside County Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease; and

**WHEREAS**, Coachella Municipal Code section 1.08.030 authorizes the imposition of a fine for violation of the section through the issuance of an administrative citation; and

**WHEREAS**, an amendment to the November 9, 2016 Administrative Fine Schedule is proposed to specify a fine for violation of Section 1.08.030 of the Coachella Municipal Code.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COACHELLA HEREBY FINDS, DETERMINES, AND RESOLVES AS FOLLOWS:**

**SECTION 1.** Incorporation of Preamble. The City Council finds that all the facts, findings, and conclusions set forth above in this resolution are true and correct.

**SECTION 2.** Adoption. The Coachella City Council hereby adopts Resolution No. 2016-56 for the adoption of an amended Administrative Fine Schedule, attached hereto as Exhibit A incorporated herein by reference.

**SECTION 3.** Grace Period. The grace period for certain violations of the Coachella Municipal Code as set forth in Exhibit A is hereby approved. Notwithstanding, the grace period may be extended on a case-by-case basis at the discretion of the enforcement official based on the complexity of correcting the violation and the propensity for harm posed by the continued existence of the violation. Pursuant to Coachella Municipal Code section 3.20.030, a responsible party is not entitled to a grace period if a violation is a continuing violation that creates an immediate danger to health or safety.

**SECTION 4.** CEQA. The City Council finds that the actions contemplated by this Resolution are exempt from the California Environmental Quality Act (“CEQA”) pursuant to

California Code of Regulations, title 14, sections 15060(c)(2), 15060(c)(3), 15061(b)(3) and 15378(a), in that the Resolution does not have the potential for causing a significant effect on the environment.

**SECTION 5.** Effective Date. This resolution shall take effect immediately upon its adoption.

**SECTION 6.** Certification. The City Clerk shall certify to the passage and adoption of this resolution.

**PASSED, APPROVED and ADOPTED** this 8<sup>th</sup> day of April 2020.

---

Steven A. Hernandez  
Mayor

**ATTEST:**

---

Angela M. Zepeda  
City Clerk

**APPROVED AS TO FORM:**

---

Carlos Campos  
City Attorney

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF COACHELLA )

**I HEREBY CERTIFY** that the foregoing Resolution No. 2020-20 was duly adopted by the City Council of the City of Coachella at a regular meeting thereof, held on this 8<sup>th</sup> day of April 2020 by the following vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Andrea J. Carranza, MMC  
Deputy City Clerk

**RESOLUTION NO. 2020-20**

**EXHIBIT A**

**ADMINISTRATIVE FINE SCHEDULE**

Pursuant to Coachella Municipal Code (“CMC”) section 3.20.020 and subject to Government Code section 36900, each code violation designated below is subject to a fine of not more than the maximum fine amount specified herein. Each subsequent violation of the same CMC section shall be subject to double the fine of the previous violation up to a maximum of \$1,000 per violation. Any violation of the CMC not otherwise identified below is subject to a fine of no more than the maximum amount authorized in CMC section 3.20.020.

Pursuant to CMC section 3.20.030, a party is entitled to a reasonable opportunity to correct continuing or ongoing violations that do not create an immediate danger to health or safety as designated herein (“Grace Period”). Any violation of the CMC entitled to a Grace Period that is not otherwise designated herein shall be entitled a Grace Period of at least three days.

<b>CMC CODE SECTION</b>	<b>BRIEF DESCRIPTION OF VIOLATION</b>	<b>FINE AMOUNT</b>	<b>GRACE PERIOD</b>
1.08.030	Nuisance—Emergency Order Enforcement	\$1,000.00	N/A
3.10.010(D)(1)	Nuisance—Attractive Nuisance	\$1,000.00	5 Days
3.10.010(D)(2)	Nuisance—Inadequate Landscaping	\$50.00	15 Days
3.10.010(D)(3)	Nuisance—Overgrown Weeds	\$50.00	15 Days
3.10.010(D)(4)	Nuisance—Unmaintained Trees and Shrubs	\$50.00	15 Days
3.10.010(D)(5)	Nuisance—Accumulation of Combustible Debris	\$250.00	5 Days
3.10.010(D)(6)	Nuisance—Parking of Vehicle on Unimproved Surface	\$100.00	5 Days
3.10.010(D)(7)	Nuisance—Overnight Occupation of Vehicle	\$100.00	N/A
3.10.010(D)(8)	Nuisance—Unmaintained Improved Surfaces	\$50.00	15 Days
3.10.010(D)(9)	Nuisance—Unmaintained Parking and Handicap Markings	\$50.00	10 Days
3.10.010(D)(10)	Nuisance—Termites, Insects, Vermin and Rodents	\$250.00	15 Days
3.10.010(D)(11)	Nuisance—Inadequate Sewage Disposal	\$1,000.00	15 Days
3.10.010(D)(12)	Nuisance—Abandoned or Vacant Building	\$1,000.00	15 Days
3.10.010(D)(13)	Nuisance—Offensive Odors	\$500.00	5 Days

<b>CMC CODE SECTION</b>	<b>BRIEF DESCRIPTION OF VIOLATION</b>	<b>FINE AMOUNT</b>	<b>GRACE PERIOD</b>
3.10.010(D)(14)	Nuisance—Improper Storage of Garbage Containers	\$50.00	N/A
3.10.010(D)(15)	Nuisance—Maintenance of Hazardous Substances or Waste	\$500.00	5 Days
3.10.010(D)(16)	Nuisance—Obstruction of Visibility of Public Right-of-Way	\$250.00	5 Days
3.10.010(D)(17)	Nuisance—Unlawful and Non-Conforming Building	\$1,000.00	30 Days
3.10.010(D)(18)	Nuisance—Dismantled Vehicles on Residential Property	\$500.00	15 Days
3.10.010(D)(19)	Nuisance—Visual Blight	\$250.00	15 Days
3.10.010(D)(20)	Nuisance—Unmaintained Swimming Pools	\$500.00	15 Days
3.10.010(D)(21)	Nuisance—Unmaintained Public Toilets	\$500.00	15 Days
3.10.010(D)(22)	Nuisance—Noncomplying Privy	\$500.00	15 Days
3.10.010(D)(23)	Nuisance—Imminent Safety Hazard	\$1,000.00	N/A
3.10.010(D)(24)	Nuisance—Disruptive Activities	\$250.00	N/A
3.10.010(D)(25)	Nuisance—Violation of Land Use Conditions	\$500.00	N/A
3.10.010(D)(26)	Nuisance—Animal Disturbances	\$100.00	N/A
3.10.010(D)(27)	Nuisance—Public Burning	\$100.00	N/A
3.10.010(D)(28)	Nuisance—Air Pollution	\$500.00	5 Days
3.10.010(D)(29)	Nuisance—Stagnant Water and Mosquito Harborage	\$500.00	5 Days
3.10.010(D)(30)	Nuisance—Discharge of Sewage	\$1,000.00	5 Days
3.10.010(D)(31)	Nuisance—Improper Storage of Animal Manure	\$250.00	5 Days
3.10.010(D)(32)	Nuisance—Leaking of Offensive Substances in Transport	\$500.00	N/A
3.10.010(D)(33)	Nuisance—Maintenance of Clothes Line in Public View	\$50.00	N/A
3.10.010(D)(34)	Nuisance—Unmaintained Storm Water Drainage	\$100.00	5 Days
3.10.010(D)(35)	Nuisance—Unlawful Water Disposal	\$250.00	N/A
3.10.010(D)(36)	Nuisance—Damaged Sign Causing Safety Hazard	\$100.00	N/A
3.10.010(D)(37)	Nuisance—Encroachment on Public Property	\$100.00	5 Days

<b>CMC CODE SECTION</b>	<b>BRIEF DESCRIPTION OF VIOLATION</b>	<b>FINE AMOUNT</b>	<b>GRACE PERIOD</b>
3.10.010(D)(38)	Nuisance—Municipal Code Violation	\$1,000.00	30 Days
3.10.010(D)(39)	Nuisance—Civil Code §§ 3479 & 3480 Nuisance	\$1,000.00	30 Days
3.10.010(D)(40)	Nuisance—Penal Code § 11225 Nuisance	\$1,000.00	30 Days
3.10.010(D)(41)	Nuisance—Health and Safety Code § 11570 Nuisance	\$1,000.00	30 Days
3.10.010(D)(42)	Nuisance—Health and Safe Code §§ 17910–17995	\$1,000.00	30 Days
3.10.010(D)(43)	Nuisance—Declared Weed Nuisance	\$50.00	15 Days
3.10.010(D)(44)	Nuisance—Declared Rubbish, Refuse. and Dirt Nuisance	\$50.00	15 Days
5.04.050(B)(1)	Business License Required— Failure to procure license	\$100.00	30 Days
7.04.050	Noise—Excessive/Disturbing Noise	\$100.00	5 Days
7.04.070	Noise—Violation of Allowable Construction Hours	\$100.00	5 Days
7.04.075	Noise—Violation of Allowable Property Maintenance	\$25.00	5 Days
8.04.040	Agricultural Nuisances	\$250.00	5 Days
8.60.040	Abandoned Property—Failure to Register	\$50.00	30 Days
8.60.050	Abandoned Property—Failure to Maintain Property	\$50.00	30 Days
8.64.040	Vacant Property—Failure to Register	\$50.00	30 Days
8.64.050	Vacant Property—Failure to Maintain Property	\$50.00	30 Days
9.04.010-C	Alcoholic Beverages—Drinking on Public Property	\$50.00	NIA
9.04.010-D	Alcoholic Beverages—Drinking on Commercial Property	\$50.00	N/A
9.08.020	Juvenile Curfew—Loitering and Truancy	\$25.00	N/A
9.16.020	Property Offenses—Trailers Outside Camps	\$250.00	30 Days
10.08.060	Stopping, Standing, Parking—Working on Parked Vehicles	\$100.00	5 Days
12.04.030	Street Excavations—Failure to Obtain Permit	\$100.00	N/A
12.12.010	Sidewalk, Driveway, Curb Work—Failure to Obtain Permit	\$100.00	N/A
12.24.040	Street Trees—Breach of Duty to Trim or Remove	\$25.00	30 Days
12.28.010	Palm Trees—Failure to trim/cut annually	\$25.00	30 Days

CMC CODE SECTION	BRIEF DESCRIPTION OF VIOLATION	FINE AMOUNT	GRACE PERIOD
12.32.030 12.32.090	Park Use— No Permit / Revoked Permit	\$50.00	N/A
12.32.140	Park Use—Prohibited Conduct in City Parks	\$25.00	N/A
12.34.090	City Basins—Prohibited Activities & Conduct	\$25.00	N/A
12.36.040	Skateboard Park—Violation of Rules for Use of Park	\$25.00	N/A
15.04.020(A)1	Building Code—Unpermitted Concrete, Flatwork, Patio Slabs	\$50.00	30 Days
15.04.020(A)2	Building Code—Unpermitted Driveways and Pavers	\$50.00	30 Days
15.04.020(A)3	Building Code—Removal of Block Wall for Driveway	\$50.00	30 Days
15.04.020(A)5	Building Code—Unpermitted Storage Shed in excess of 120 square feet	\$50.00	30 Days
15.04.020(A)4	Building Code—Unpermitted Tent/Canvas Structure	\$25.00	15 Days
15.12.010	Electrical Code—Unpermitted Electrical Work	\$25.00	30 Days
15.16.010	Mechanical Code—Unpermitted Mechanical Work	\$25.00	30 Days
15.20.010	Plumbing Code -- Unpermitted Plumbing Work	\$25.00	30 Days
17.16.030C(4)e	RS Zone—Exceeding 60% Maximum Paving in front yard	\$50.00	30 Days
17.58.010(B)	Home Occupations—Operating in Violation of Regulations	\$25.00	60 Days
17.54.020	Zoning Code—Unpermitted Garage Conversion	\$100.00	60 Days
17.56.010 (E)2	Signs—Prohibited Signs on Public Right-of-Way	\$25.00	N/A
17.56.010(E)5	Signs—Window Signs in Excess of 20% of Window Area	\$25.00	15 Days
17.56.010(E)11	Signs—Prohibited Roof	\$25.00	15 Days
17.56.010(1)2	Signs—Temporary Banners more than 30 Days	\$25.00	15 Days
17.56.010(1)3	Signs—Temporary Sale Signs more than 45 Days	\$25.00	15 Days
17.84.030	Medical Cannabis—Dispensaries and Delivery Prohibited	\$1,000.00	N/A
17.85.010	Medical Cannabis—Unpermitted Cultivation Facilities	\$1,000.00	N/A