



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 5, 2020

FROM: CITY MANAGER'S OFFICE WARD: ALL WARDS

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERSIDE, CALIFORNIA, AUTHORIZING CITY MANAGER'S OFFICE TO DIRECT RIVERSIDE PUBLIC UTILITIES TO SHUT OFF WATER AND/OR ELECTRIC UTILITY SERVICES TO NONCOMPLIANT BUSINESSES OPERATING IN VIOLATION OF STAY AT HOME ORDERS AND TO NOT RESTORE SUCH UTILITY SERVICE UNLESS DIRECTED TO DO SO IN WRITING BY THE CITY MANAGER'S OFFICE.

ISSUE:

Adopt a resolution authorizing the City Manager's Office to direct Riverside Public Utilities to shut off water and/or electric utility services to noncompliant businesses operating in violation of Stay At Home orders and to not restore such utility service unless directed to do so in writing by the City Manager's Office.

RECOMMENDATIONS:

That the City Council:

1. Adopt a resolution authorizing the City Manager's Office to direct Riverside Public Utilities to shut off water and/or electric utility services to noncompliant businesses operating in violation of Stay At Home orders subject to the following requirements:
 - a. The business is deemed a non-essential business operating within the City of Riverside;
 - b. The business is deemed to be not complying with orders to cease operations relating to COVID-19 issued by the Governor and the County Public Health Officer;
 - c. The City Manager, or designee, may, after engagement with and a written warning issued to a noncompliant business, direct in writing Riverside Public Utilities to shut off water and/or electric utility services pursuant to this Resolution; and
 - d. Upon receiving such a written referral, Riverside Public Utilities is directed to shut off water and/or electric utility services to the noncompliant business operating in

violation of this Resolution and to not restore such utility service unless directed to do so in writing by the City Manager's Office.

BACKGROUND:

On March 4th, 2020, California Governor Gavin Newsom declared a State of Emergency in California due to the threat of Coronavirus (COVID- 19). On March 8th, 2020, Riverside County Public Health Officer declared a local health emergency based the imminent threat to public health from COVID- 19 in Riverside County. On March 17th, 2020, the Riverside City Council ratified a local emergency declaration in order to protect the public from COVID- 19. Further actions ordered all bars, wineries and breweries to close and for restaurants to cut capacity to 50%. A previous order by the Riverside County Public Health Officer ordered the cancellation of all gatherings with an expected presence of 10 people or more, effectively closing most small businesses.

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 ("Stay at Home Order") which ordered all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operation of the federal critical infrastructure sectors. While essential services may remain open, non-essential services must close such as dine-in restaurant operations, bars and nightclubs, entertainment venues, gyms and fitness studios, public events and gatherings, convention centers, and hair and nail salons.

DISCUSSION:

The City, pursuant to the police powers delegated to it by the Constitution of the State of California, has the authority to enact laws which promote the public health, safety and general welfare of its residents.

There has been a significant push to ensure that the Stay at Home Order is taken seriously by the public. The City of Riverside is committed to ensuring all are doing their part to help slow the spread of COVID-19 so we can flatten the curve to ensure our doctors, nurses, and healthcare workers have the opportunity to do their important work. This resolution is designed to assist in that regard.

This Resolution would apply to non-essential businesses within the City of Riverside that are required to cease operations in order to comply with orders relating to COVID-19 issued by the Governor and the County Public Health Officer. The requirement outlined in the Resolution is as follows:

"A business that fails to cease operation and does not fall within an exception as described in Section 3 may be subject to having its water and/or electric utility service shut off by Riverside Public Utilities for not being in compliance with the Stay at Home Order. The City Manager, or his or her designee, may, after engagement with and a written warning issued to a noncompliant business, direct, in writing, Riverside Public Utilities to shut off water and/or electric utility service pursuant to this Resolution. Upon receiving such a written direction, the Riverside Public Utilities General Manager, or his designee, is authorized to shut off water and/or electric utility service to that noncompliant business and may not restore

such utility service unless directed to do so in writing by the City Manager or his designee.”

This Resolution would be implemented pursuant to the City’s police powers and 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 California Constitution, State law, the City Charter, and the Riverside Municipal Code to protect the public peace, health, safety and public welfare.

This Resolution would only apply to businesses that receive water and/or electric utility services from Riverside Public Utilities, and not customers who receive electric service from Southern California Edison or water service from Western Municipal Water District or Eastern Municipal Water District.

This Resolution shall go into effect immediately upon adoption and shall terminate and be of no further force and effect upon the repeal of the Local Emergency.

FISCAL IMPACT:

There is no anticipated immediate fiscal impact of this item.

Prepared by: Al Zelinka, FAICP, City Manager
Certified as to
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by: Al Zelinka, FAICP, City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachment: Resolution