

RESOLUTION NO. 4335

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CONFIRMING SAN ANSELMO
DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 20-2
ALLOWING FOR USE OF THE TOWN ADMINISTRATIVE CITATION PROCESS
FOR ENFORCEMENT OF STATE AND COUNTY EMERGENCY ORDERS**

WHEREAS, on March 16, 2020, in my role as the Director of Emergency Services, I issued a Proclamation of the Director of Emergency Services for the Town of San Anselmo Proclaiming the Existence of a Local Emergency Related to COVID-19 ("Emergency Proclamation"); and

WHEREAS, on March 19, 2020, the Town Council of the Town of San Anselmo adopted Resolution No. 4332 ratifying the Emergency Proclamation; and

WHEREAS, under California Government Code section 8634 and San Anselmo Municipal Code section 3-2.06, during a local emergency the Director of Emergency Services may promulgate orders and regulations necessary to provide for the protection of life and property; and

WHEREAS, pursuant to California Government Code section 8634, such orders and regulations must be in writing and shall be given widespread publicity and notice; and

WHEREAS, the San Anselmo Municipal Code requires orders, rules and regulations issued by the Director of Emergency Services be confirmed at the earliest practicable time by the Town Council; and

WHEREAS, in the interest of public health and safety during the COVID-19 pandemic, the Town has canceled regular Town Council meetings until April 14, 2020; and

WHEREAS, on March 19, 2020, California Governor Gavin Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors ("State Shelter in Place Order"); and

WHEREAS, the State Shelter in Place Order states that the Order shall be enforceable pursuant to California Law, including but not limited to, Government Code section 8665, which makes violation of the order punishable by a fine or imprisonment; and

WHEREAS, on March 31, 2020, the Marin County Health Officer issued an Order directing All Individuals Living In The County To Continue Sheltering at Their Place of Residence Except for Essential Needs; Continuing to Exempt Homeless Individuals From the Order But Urging Government Agencies to Provide Them Shelter and Hand Sanitation Facilities; Restricting Access to Recreation Areas; Requiring Essential Businesses to Implement Social Distancing Protocols; Clarifying And Further Limiting Essential Business Activities, Including Construction; and Directing All Businesses And Governmental Operations to Further Cease Non-Essential Operations ("County Shelter in Place Order"); and

WHEREAS, the County Shelter in Place Order specifies that violation of or failure to comply with any provisions of the Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment or both; and

WHEREAS, the County Shelter in Place Order requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce the Order; and

WHEREAS, the Town Council recognizes that the Sheriff and police may need assistance with enforcement of the County Shelter in Place Order, the State Shelter in Place Order and any other Orders issued by the County or State in association with the COVID-19 pandemic (collectively, the "State and County Emergency Orders"); and

WHEREAS, the Town Council desires to allow Town staff to assist with enforcement of the State and County Emergency Orders; and

WHEREAS, the Town Council desires to allow Town staff to utilize the Administrative Citation process codified in Title 1, Chapter 6 of the San Anselmo Municipal Code to enforce State and County Emergency Orders.

NOW THEREFORE, the Town Council of the Town of San Anselmo do hereby resolve as follows:

Section 1. Environmental Impacts

The Town Council finds and determines that the adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), because it relates to an emergency. (CEQA Guidelines §15269).

Section 2. Confirming Order No. 20-2

The Town Council hereby confirms the San Anselmo Director of Emergency Services Order No. 20-2 Allowing for Use of the Town Administrative Citation Process for Enforcement of State and County Emergency Orders, attached hereto and incorporated by reference ("Emergency Order No. 20-2").

Emergency Order No. 20-2 will remain in force until it is terminated by the Director of Emergency Services or the Town Council.

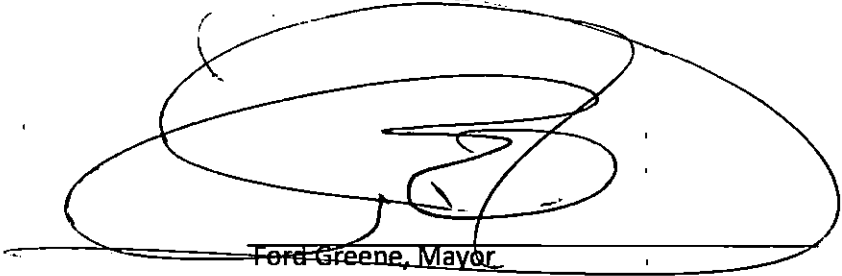
The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on April 14, 2020, by the following vote:

AYES: Greene, Colbert, Wright, Fineman, Burdo

NOES: None

ABSENT: None

ABSTAIN: None

A large, stylized handwritten signature in black ink, appearing to be "Ford Greene". The signature is written over a horizontal line.

Ford Greene, Mayor

ATTEST:



Carla Kacmar, Town Clerk

San Anselmo Director of Emergency Services – Order No. 20-2
Emergency Order Allowing for Use of Town Administrative Citation Process
for Enforcement of State and County Emergency Orders

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WHEREAS, pursuant to California Government Code section 8634, such orders and regulations must be in writing and shall be given widespread publicity and notice; and

WHEREAS, the San Anselmo Municipal Code requires orders, rules and regulations issued by the Director of Emergency Services be confirmed at the earliest practicable time by the Town Council; and

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WHEREAS, the County Shelter in Place Order requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce the Order; and

WHEREAS, the Town recognizes that the Sheriff and police may need assistance with enforcement of the County Shelter in Place Order, the State Shelter in Place Order and any other Orders issued by the County or State in association with the COVID-19 pandemic (collectively, the "State and County Emergency Orders"); and

WHEREAS, the Town desires to allow Town staff to assist with enforcement of the State and County Emergency Orders; and

WHEREAS, the Town desires to allow Town staff to utilize the Administrative Citation process codified in Tile 1, Chapter 6 of the San Anselmo Municipal Code to enforce State and County Emergency Orders.

NOW THEREFORE, I hereby find and order as follows:

Section 1. Environmental Review.

In my role as Director of Emergency Services, I find that adoption of this Order is exempt from the California Environmental Quality Act, Public Resources Code section 21000 *et seq.* ("CEQA"), because it relates to an emergency. (CEQA Guidelines §15269).

Section 2. Order Permitting Use of Administrative Citation Process for Enforcement of County and State Emergency Orders.

In my role as Director of Emergency Services, to protect life, public health and safety, and to ensure compliance with current and future County and State Emergency Orders, I hereby order:

1. In addition to being enforceable as a misdemeanor under California Government Code section 8665, any violations of the County or State Emergency Orders shall be enforceable through the administrative citation process under Tile 1, Chapter 6 of the San Anselmo Municipal Code.
2. For purposes of this Order, any Town officer or employee is granted authority as an enforcement officer under Tile 1, Chapter 6 of the San Anselmo Municipal Code.
3. Pursuant to Section 1-6.06 of the San Anselmo Municipal Code, the fines imposed for violations of the State and County Emergency Orders shall be consistent with Resolution No. 4271.

4. Where there is a conflict between the Emergency Orders issued by the State and Emergency Orders issued by the County, the stricter interpretation shall govern unless expressly stated by the Governor or the County Department of Public Health.
5. I will regularly review the need for this Order to be in place and I may elect to modify it should local circumstances or applicable law change.

This Order will remain in effect until terminated by the Director of Emergency Services or the Town Council.



Dave Donery, Town Manager
Director of Emergency Services

Date

4/3/2020