RESOLUTION NO. 4334

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO CONFIRMING SAN ANSELMO DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 20-1 SUSPENDING RESIDENTIAL RESALE REPORT INSPECTIONS

WHEREAS, on March 16, 2020, the Town's Director of Emergency Services issued a Proclamation for the Town of San Anselmo Proclaiming the Existence of a Local Emergency Related to Novel Coronavirus (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, on March 16, 2020, the Marin County Health Officer issued an Order Directing All Individuals Living in the County of Marin to Shelter at Their Place of Residence Except That They May Leave to Provide or Receive Certain Essential Services or Engage in Certain Essential Activities and Work for Essential Businesses and Governmental Services; Exempting Individuals Experiencing Homelessness from the Shelter in Place Order But Urging them to Find Shelter and Government Agencies to Provide it; Directing All Businesses and Governmental Agencies to Cease Non-Essential Operations at Physical Locations in the County; Prohibiting All Non-Essential Gatherings of Any Number of Individuals; and Ordering Cessation of All Non-Essential Travel ("March 16 County Order"); 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 ("Shelter in Place Order"); and

WHEREAS, on March 22, 2020, the State Public Health Officer designated a list of “essential critical infrastructure workers” for the purposes of the Shelter in Place Order, which includes “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)”; and

WHEREAS, on March 31, 2020, the Marin County Health Officer issued a new order superseding the March 16, 2020 County Order, which directs 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 ("March 31 County Order").

WHEREAS, the March 31 County Order more tightly restricts the type of construction that can continue while the Shelter In Place directive is in effect; and
WHEREAS, building construction requires regular inspection services by Town staff to ensure that completed work complies with both issued permits and applicable building standards; and

WHEREAS, the Town has a limited number of inspectors and a limited supply of protective gear for those inspectors; and

WHEREAS, in compliance with the March 31 County Order and to protect Town staff and public health and safety, the Town Public Works Department will only conduct inspections for life safety on current open projects that fall within the allowable projects listed in the March 31 Order; 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 outbreak, the Town canceled regular Town Council meetings until April 14, 2020; and

WHEREAS, San Anselmo Municipal Code section 9-23.07 requires Town inspections to be conducted for residential resale reports; and

WHEREAS, residential resale report inspections are not related to essential critical infrastructure and do not involve life safety issues; and

WHEREAS, on April 3, 2020, the Town’s Director of Emergency Services issued Order No. 20-1 Discontinuing Residential Resale Report Inspections; and

WHEREAS, the Town posted Order No. 20-1 to the Town website and included it in the Town Newsletter to ensure that it was given widespread publicity and notice; and

WHEREAS, the first practicable time to have the Order confirmed is at the regular Town Council meeting scheduled for April 14, 2020.

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. 20-1
The Town Council hereby confirms the Director of Emergency Services Order No. 20-1 suspending residential resale report inspection requirement in San Anselmo Municipal Code section 9-23.07.

The Town Council further confirms that the revised residential resale report form dated March 27, 2020, and approved by the Director of Emergency Services, complies with San Anselmo Municipal Code section 9-23.02, because it is adequate to inform the buyers of property of the authorized use, occupancy, and zoning of the property being sold or exchanged.

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

Ford Greene, Mayor

ATTEST:

Carla Kacmar, Town Clerk
San Anselmo Director of Emergency Services – Order No. 20-1
Emergency Order Suspending Residential Resale Report Inspections

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 outbreak, 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 ("Shelter in Place Order"); and

WHEREAS, on March 22, 2020, the State Public Health Officer designated a list of "essential critical infrastructure workers" for the purposes of the Shelter in Place Order, which includes "Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)"; and

WHEREAS, on March 31, 2020, the Marin County Health Officer issued a new order superseding the March 16, 2020 County Order, which directs 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 ("March 31 County Order"); and

WHEREAS, the March 31 County Order more tightly restricts the type of construction that can continue while the Shelter in Place directive is in effect; and

WHEREAS, building construction requires regular inspection services by Town staff to ensure that completed work complies with both issued permits and applicable building standards; and
WHEREAS, the Town has a limited number of inspectors and a limited supply of protective gear for those inspectors; and

WHEREAS, in compliance with the March 31 County Order and to protect Town staff and public health and safety, the Town Public Works Department will only conduct inspections for life safety on current open projects that fall within the allowable projects under the March 31 County Order; and

WHEREAS, San Anselmo Municipal Code section 9-23.07 requires Town inspections to be conducted for residential resale reports; and

WHEREAS, residential resale report inspections are not related to essential critical infrastructure and do not involve life safety issues.

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 Suspending Resale Report Inspections.

In my role as Director of Emergency Services, to protect life, public health and safety, and to adhere to the County and State Shelter in Place Orders, I order the suspension of the residential resale report inspection requirement in San Anselmo Municipal Code section 9-23.07.

In addition, in compliance with San Anselmo Municipal Code section 9-23.02, I find that the revised residential resale report form dated March 27, 2020, is adequate to inform the buyers of property of the authorized use, occupancy, and zoning of the property being sold or exchanged.

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 Doneny, Town Manager
Director of Emergency Services

04/03/2020
Date