



Staff Report

Date: May 14, 2020

To: Mayor McMillan and Council Members

From: Joe Chinn, Town Manager

Subject: Town Council consideration of Resolution No. 2159 Ratifying Ross Emergency Order No. 1-2020 Allowing Time Limit Extensions for Projects Delayed by the Marin County COVID-19 Shelter in Place Orders

Recommendation

Council adopt Resolution No. 2159 ratifying the Town of Ross Emergency Order No. 1-2020 that was issued by the Town of Ross Director of Emergency Services (Mayor McMillan) and Assistant Director of Emergency Services (Town Manager Chinn) allowing time limit extensions for projects delayed by the Marin County COVID-19 Shelter in Place Orders.

Background and Discussion

On March 16, 2020 seven Bay Area counties, including Marin County, issued a Shelter in Place Order effective beginning March 17, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits. On March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in to California Government Code Section 8630. Also, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar Shelter in Place Order, directing all Californians to remain at their place of residents except as necessary for essential activities. On March 31, 2020, Marin County issued an updated Shelter in Place Order, which prohibited all construction projects with certain limited exceptions ("County Shelter Order"). Then on April 29, 2020, Marin County issued a new updated Shelter in Place Order effective May 4 that among other items allowed all construction projects to build if they follow construction project safety protocols.

The Time Limits for Completion of Construction Ordinance, Municipal Code Chapter 15.50 ("CCO"), imposes penalties for projects that are not completed within the assigned time limits. The COVID-19 Shelter in Place Orders have affected the timeline in which construction projects can be completed. Due to the County Shelter Orders significantly restricting construction, some

projects currently in progress will likely violate their construction time limits contained in the CCO. Given property owners may be unable to comply with the construction time limits due to the COVID-19 County Shelter Orders, Town staff wanted to provide construction projects additional time extension for their projects

Because most construction activities were prohibited within the Town due to the County Shelter Order, on April 24, 2020, the Director and Assistant Director of Emergency Services of the Town of Ross issued Emergency Order No. 1-2020, finding that an order was necessary for the immediate preservation of the public health, safety, and welfare to immediately grant COO extensions if the construction delays were caused by the Marin County prohibition against construction. Emergency Order No. 1-2020 states that the Town's Building Official shall automatically extend any timeframes under section 15.50.050 from March 17, 2020, the date when the first County Shelter Order went into effect, until May 4, 2020, the date that the County Shelter Order allowed residential construction to resume plus 30 days (which is 78 days total). The Town's Building Official may further grant a further extension past the automatic 30-day extension, if the Building Official determines the delay caused by the County Shelter Order was greater than the additional automatic extension specified above.

Resolution No. 2159 ratifies the Town of Ross Emergency Order No. 1-2020 that was signed by the Director and Assistant Director of Emergency Services.

Fiscal, resource and timeline impacts

The 78 day extension of time limits for building projects will likely reduce construction time limit penalties collected this year but it is justified given the extraordinary construction delays caused by the COVID-19 Shelter in Place Orders.

Alternative actions

None recommended.

Environmental review (if applicable) – Not applicable

Attachments

- Resolution No. 2159
- Emergency Order No. 1-2020

TOWN OF ROSS

RESOLUTION NO. 2159

A RESOLUTION OF THE TOWN OF ROSS AUTHORIZING EXTENSIONS OF THE TIME LIMITS FOR COMPLETION OF CONSTRUCTION CONTAINED IN THE ROSS MUNICIPAL CODE, CHAPTER 15.50

WHEREAS, California Government Code section 8630 empowers the Town Council to proclaim the existence or threatened existence of a Local Emergency when the Town is affected or likely to be affected by a public calamity; and

WHEREAS, California Government Code section 8634 empowers the Town to promulgate orders and regulations to provide for the protection of life and property; and

WHEREAS, on March 16, 2020 seven Bay Area counties, including Marin County, issued a shelter in place order, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits; and,

WHEREAS, on March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in to California Government Code Section 8630; and,

WHEREAS, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar shelter in place order, directing all Californians to remain at their place of residents except as necessary for essential activities; and,

WHEREAS, on March 31, 2020, Marin County issued an updated shelter in place order, which prohibits all construction projects with certain limited exceptions ("County Shelter Order"); and,

WHEREAS, the Time Limits For Completion of Construction Ordinance, Municipal Code Chapter 15.50 ("CCO"), imposes penalties for projects that are not completed within the assigned time limit; and,

WHEREAS, the CCO provides a process for time limit extensions of the CCO (Ross Mun. Code, § 15.50.050(g,)); and,

WHEREAS, the CCO also provides a process for applicants to seek a reduction or reversal of a CCO penalty through a hearing before the Town Council (Ross Mun. Code, § 15.50.090); and,

WHEREAS, due to the County Shelter Order significantly restricting construction, some projects currently in progress will likely violate their construction time limits contained in the CCO; and,

WHEREAS, the County amended its County Shelter Order, effective May 4, 2020, allowing the resumption of construction projects within the County; and

WHEREAS, because most construction activities were prohibited within the Town due to the County Shelter Order, on April 24, 2020, the Director and Assistant Director of Emergency Services of the Town of Ross issued Emergency Order No. 1-2020, finding that an order was necessary for the immediate preservation of the public health, safety, and welfare to immediately grant COO extensions if the construction delays were caused by the Marin County prohibition against construction; and

WHEREAS, The Town Council of the Town of Ross wishes to ratify this order by adopting this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Town Council of the Town of Ross does hereby resolve as follows:

Section 1. It is found by the Town Council of the Town of Ross that the existence and spread of COVID-19 that resulted in the County Shelter Order, this Resolution is necessary for the immediate preservation of the public health, safety and welfare of residents by providing swift administrative COO extensions when the construction delay was caused by the County Shelter Order prohibiting construction activities.

Section 2. The Emergency Order No. 1-2020 is hereby ratified by the Town Council. The Town's Building Official shall automatically extend any timeframes under section 15.50.050 from March 17, 2020, the date when the first County Shelter Order went into effect, until May 4, 2020, the date that the County Shelter Order allowed residential construction to resume plus 30 days. The Town's Building Official may further grant a further extension past the automatic 30-day extension, if the Building Official determines the delay caused by the County Shelter Order was greater than the additional automatic extension specified above.

The foregoing Resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of May 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk

ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE TOWN OF
ROSS NO. 1-2020

WHEREAS, on March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in to California Government Code Section 8630; and,

WHEREAS, Government Code Section 8634 and Town of Ross Municipal Code section 2.28.060(a)(6)(A), empowers the Town to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, on March 16, 2020 seven Bay Area counties, including Marin County, issued a shelter in place order, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits; and,

WHEREAS, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar shelter in place order, directing all Californians to remain at their place of residents except as necessary for essential activities; and,

WHEREAS, on March 31, 2020, Marin County issued an updated shelter in place order, which prohibits all construction projects with certain limited exceptions ("County Shelter Order"); and,

WHEREAS, the Time Limits For Completion of Construction Ordinance, Municipal Code Chapter 15.50 ("CCO"), imposes penalties for projects that are not completed within the assigned time limit; and,

WHEREAS, the CCO provides a process for time limit extensions of the CCO (Ross Mun. Code, § 15.50.050(g)); and,

WHEREAS, the CCO also provides a process for applicants to seek a reduction or reversal of a CCO penalty through a hearing before the Town Council (Ross Mun. Code, § 15.50.090.); and,

WHEREAS, due to the County Shelter Order significantly restricting construction, some projects currently in progress will likely violate their construction time limits contained in the CCO; and,

WHEREAS, because most construction activities are currently prohibited within the Town due to the County Shelter Order, this Town Order is necessary for the immediate preservation of the public health, safety, and welfare to immediately grant COO extensions if the construction delays were caused by the current Marin County prohibition against construction.

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE TOWN OF ROSS DOES HEREBY ORDERS AS FOLLOWS:

SECTION 1. Findings.

The facts set forth in the Recitals above are true and correct and incorporated herein by reference. The recitals constitute findings in this matter and are incorporated herein and are adequate and appropriate for the actions taken in this Town Order. The Town Order protects and promotes the public health, safety, and welfare of residents by providing swift administrative COO extensions when the construction delay was caused by the County Shelter Order prohibiting construction activities.

SECTION 2. Extending Timeframes for Performance under CCO.

The Town's Building Official shall automatically extend any timeframes under section 15.50.050 from March 17, 2020, the date when the first County Shelter Order went into effect, until the Order is either terminated or permits residential construction to resume plus 30 days. The Town's Building Official may grant a further extension past the automatic 30-day extension, if the Building Official determines the delay caused by the County Shelter Order was greater than the additional automatic extension specified above.

SECTION 3. Effective Date.

The Town Order shall take effect immediately upon its issuance.

Date of Issuance: April 24, 2020

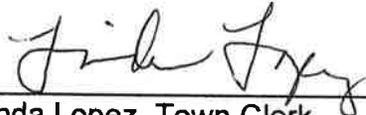


Julie McMillan
Director of Emergency Services, Town of Ross



Joe Chinn
Assistant Director of Emergency Services, Town of Ross

ATTEST:



Linda Lopez, Town Clerk