EXECUTIVE ORDER NO. 2020-02

EMERGENCY EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF SAN BERNARDINO, CALIFORNIA, AUTHORIZING THE STAYING OF THE CITY’S COMPLIANCE WITH ANY DEADLINES ESTABLISHED BY THE CITY UNTIL APRIL 17, 2020

WHEREAS, on March 13, 2020, in my capacity as Director of Emergency Services, I proclaimed the existence of a local emergency in the City of San Bernardino in connection with the global pandemic caused by the spread of a novel coronavirus, COVID-19 (“Proclamation 2020-01”); and

WHEREAS, on March 17, 2020, the Health Officer of the County of San Bernardino issued an order countywide that: (1) with limited exceptions, prohibits all gatherings, i.e., any event or convening that brings together people in a single room or single space at the same time, except for gatherings of members of a household or living unit; (2) orders the closure of all bars, adult entertainment establishments, and other business establishments that serve alcohol but not food (3) orders the closure of movie theatres, gyms, and health clubs; (4) requires food and beverage establishments to follow CDPH guidance, including requirements that restaurants close to in-restaurant seated dining and open only to drive-through or other pick-up/delivery options; and

WHEREAS, on March 18, 2020, the City Council ratified Proclamation 2020-01 through the adoption of a resolution proclaiming the existence of a local emergency (“Resolution No. 2020-51”); and

WHEREAS, on March 19, 2020, the Governor of the State of California, 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, during the pendency of the local emergency and statewide state of emergency, the Director of Emergency Services is empowered “[t]o make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency . . .” under Section 2.46.090 A.(6) of the City’s Municipal Code; and

WHEREAS, as a result of the Governor’s Executive Order N-33-20, City staffing has been reduced to only those positions necessary to maintain the federal critical infrastructure sectors in accordance with guidance from the State and from the federal Cybersecurity & Infrastructure Security Agency (CISA); and

WHEREAS, due to these reduced staffing levels, City staff will be focused only on those tasks which are necessary to provide essential services to the residents of our City; and
WHEREAS, as a result, City staff will be unable to meet locally-adopted deadlines including deadlines included in the City’s Municipal Code, freestanding City resolutions, and personnel rules; and

WHEREAS, to ensure City staff focus on providing essential services and are not distracted from this critical task by efforts to comply with deadlines to perform tasks unconnected with said essential services, it is in the interests of the public health, safety, and welfare to temporarily stay the effect of any City-adopted deadlines until at least April 17, 2020; and

WHEREAS, this Order is temporary in nature and only intended to ensure City staff are able to focus on work dedicated to maintaining the City’s essential infrastructure and services thereby serving the public peace, health, safety, and public welfare; and

WHEREAS, this Order is adopted 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 State Constitution, State law, the City Charter, and the Chapter 2.46 of the San Bernardino Municipal Code to protect the peace, health, and safety of the public; and

WHEREAS, this Order is necessary for the preservation of the public peace, health, and safety of residents living within the City and, under Government Code Section 8634, this Order is necessary to provide for the protection of life and property.

BE IT ORDERED BY THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference. The recitals and findings in Proclamation 2020-01 and Resolution 2020-51 are also incorporated herein by this reference.

SECTION 2. Temporary Stay on City Compliance With Any City-Established Deadlines.

A. As a result of the local emergency, until April 17, 2020, the City’s compliance with any City-established deadlines is hereby stayed. All such deadlines are hereby tolled for the 28-day period this Order is in effect.

B. For the purposes of this Order, City-established deadlines include any deadlines established in the San Bernardino Municipal Code, in any standalone Resolution of the City Council, the Departmental Direction Letters, the City’s Personnel Rules, and any other rules or regulations established by the City. City-established deadlines shall not include any deadlines established by the City Charter, state, or federal law.

C. This Order shall not relieve any third-party of their obligation to comply with any City-established deadlines.
SECTION 3. Severability. If any provision of this Order or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Order are declared to be severable.

SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) April 17, 2020, unless extended by further Executive Order; (2) the termination of the local emergency; (3) the termination of this Order through action by the City Council. The Order may also be superseded by a duly enacted legislative act of the City Council expressly superseding this Order.

ORDERED by the City Manager/Director of Emergency Service this 20th day of March, 2020.

[Signature]

Teri Ledoux, City Manager and Director of Emergency Services
City of San Bernardino