

ORDINANCE NO. ORD-2020-005

URGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA
SUSPENDING PORTIONS OF SECTIONS 3-28.110 AND 6-56.330 OF THE SANTA ROSA
CITY CODE, IMPLEMENTING LATE FEES AND INTEREST PENALTIES FOR
TRANSIENT OCCUPANCY TAX AND SANTA ROSA TOURISM BUSINESS
IMPROVEMENT AREA ASSESSMENTS FOR STAYS DURING APRIL 2020, MAY 2020,
AND JUNE 2020 UNTIL OCTOBER 31, 2020, IN RESPONSE TO IMPACTS TO
BUSINESSES CAUSED BY COVID-19

WHEREAS, on March 17, 2020, the County of Sonoma Health Officer issued a shelter-in-place order which required the closure of any business or service deemed non-essential to the health and welfare of the community as it relates to COVID-19, causing sudden and dramatic economic injury to the business community; and

WHEREAS, Governor Newsom issued Executive Order N-33-20, ordering everyone living in the State of California to stay home except as needed to maintain continuity of operations for critical infrastructure sectors, in response to the global health crisis and pandemic brought on by COVID-19 (Coronavirus); and

WHEREAS, due to the immediate effect of the emergency shelter-at-home directive on the lodging industry, some hotel, motel and short-term lodging businesses have suffered abrupt and immediate financial impact; and

WHEREAS, in order to provide some immediate relief to this industry within the City of Santa Rosa, City staff propose the immediate suspension of late fees and interest penalties for Transient Occupancy Tax and Santa Rosa Tourism Business Improvement Area assessments to assist the City's lodging partners who are directly and severely impacted by State and local shelter at home orders as presented this urgency ordinance; and

WHEREAS, Government Code section 36937(b) allows an ordinance to take effect immediately, if it is an ordinance for the immediate preservation of public peace, health or safety and it contains a declaration of the facts constituting the urgency; and

WHEREAS, Section 8 of the Santa Rosa City Charter authorizes the City Council to adopt an urgency measure to take effect immediately upon its adoption, if necessary to preserve the public peace, health or safety if such ordinance contains the reasons for its urgency; and

WHEREAS, such an urgency measure requires a five-sevenths vote of the City Council for adoption; and

WHEREAS, as provided herein, the Ordinance shall be in effect immediately upon its adoption; and

WHEREAS, the City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the Council of the City of Santa Rosa to be necessary for preserving the public peace, welfare, health or safety and to avoid a current, immediate and direct threat to peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council's statement of the reason for adopting this Ordinance on an urgency basis.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. The Council finds, based on evidence and records presented, that this Ordinance is necessary for the protection of the public peace, health and safety.

Section 2. Suspension of Late Fees and Penalties for Transient Occupancy Tax. Section 3-28.110 (A), (B) and (D), Penalties and Interest, of Chapter 3-28, TRANSIENT OCCUPANCY TAX, of the Santa Rosa City Code is hereby suspended in its application to any collections for stays during April 2020, May 2020 and June 2020, until October 31, 2020.

Section 3. Suspension of Late Fess and Penalties for Santa Rosa Tourism Business Improvement Area Assessments. Section 6-56.330 (A), (B) and (D), Deficiencies - Penalties, of Chapter 6-56, BUSINESS IMPROVEMENT AREAS, of the Santa Rosa City Code is hereby suspended in its application to any collections for stays during April 2020, May 2020 and June 2020, until October 31, 2020.

Section 4. Payment Still Required. Nothing in this ordinance shall relieve any person or entity of its obligation to pay and remit to the City any Transit Occupancy Tax due pursuant to Chapter 3.28 or Santa Rosa Tourism Business Improvement Area assessment due pursuant Chapter 6-56 of the Santa Rosa City Code for the months of April, May, and June 2020; any late fees or penalties that otherwise would have become due for failure or refusal to pay amounts due for April, May, and June 2020 shall become due and payable to the City if the Transient Occupancy Tax or Santa Rosa Tourism Business Improvement Area assessment payments due to the City have not been made in full by October 31, 2020.

Section 5. Authority. This Ordinance is enacted pursuant to the City of Santa Rosa's general police powers, Section 8 of the Charter of the City of Santa Rosa, and Article XI of the California Constitution and Government Code.

Section 6. Environmental Determination. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

Section 7. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective Date. This ordinance shall take effect immediately upon its adoption.

IN COUNCIL DULY PASSED AND ADOPTED this 19th day of May, 2020.

AYES: (7) Mayor Schwedhelm, Vice Mayor Fleming, Council Members Dowd, Olivares, Rogers, Sawyer, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney