



STAFF REPORT
4/8/2020

TO: Honorable Mayor and City Council Members

FROM: Best Best & Krieger LLP, City Attorney

SUBJECT: Resolution No. 2020-20 of the City Council of the City of Coachella, California, Amending the Administrative Fine Schedule for Certain Violations of the Coachella Municipal Code.

STAFF RECOMMENDATION:

Approval of Resolution of the City Council of the City of Coachella, California, Amending the Administrative Fine Schedule for Certain Violations of the Coachella Municipal Code.

The proposed Resolution would amend the City's current Administrative Fine Schedule to specify a fine for a violation of Section 1.08.030 of the Coachella Municipal Code, recently added by the City Council's adoption of Ordinance No. 1159 on May 24, 2020.

On March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the broad spread of the COVID-19 virus. Shortly thereafter, on March 8, 2020 the Riverside County Public Health Officer declared a local health emergency in response to COVID-19; and on March 13, 2020, the President of the United States declared a state of national emergency regarding the same.

On March 19, 2020, the Governor issued Executive Order N-33-20 that ordered the closure of all non-essential retail businesses (subject to certain exceptions), indoor malls, shopping centers, and playgrounds for children. The Order also required for people to stay home and prohibited all public and private gatherings and events in an effort to slow the spread of the virus.

A city can generally enforce an order of the Governor made pursuant to the Emergency Services Act, or an order of the State Department of Public Health or the Riverside County Health Officer, by pursuing violations criminally through its local peace officers and District Attorney's Office, pursuant to Government Code section 8665 and Health and Safety Code sections 101029 and 120155.

In order to supplement its ability to enforce such emergency orders through the Coachella Municipal Code ("CMC"), the Coachella City Council adopted Urgency Ordinance No. 1159 adding Section 1.08.030 to the Coachella Municipal Code making it unlawful for any person to violate any emergency order made by the Governor of the State of California under the Emergency Services Act or any order of the State Department of Public Health or Riverside

County Health Officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease.

Coachella Municipal Code section 3.20.020 allows for the adoption of a schedule of fines for administration citations, pursuant to Government Code section 53069.4, which may be amended from time to time. On November 9, 2016, the City Council adopted Resolution No. 2016-56 adopting the current Administrative Fine Schedule pursuant to Coachella Municipal Code section 3.20.020.

Coachella Municipal Code section 1.08.030 authorizes the imposition of a fine for violation of the section through the issuance of an administrative citation. An amendment to the November 9, 2016 Administrative Fine Schedule is proposed to specify a \$1,000 fine for violation of Section 1.08.030 of the Coachella Municipal Code.

A violation of a State or County order intended to protect public health and safety warrants the increased fine amount for several reasons. A substantial fine is more likely to result in abatement of the violation, especially where the violation involves business activity that is profitable. A substantial fine is also necessary to adequately punish activity that places the health and safety of the community at risk. Finally, a substantial will adequately deter others from engaging in similar unlawful activity.

ALTERNATIVES:

1. Do not adopt the Resolution.
2. Provide additional direction.

FISCAL IMPACT:

None Anticipated.

RECOMMENDED ALTERNATIVE(S):

None.