

RESOLUTION NO. 2020-025

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SAN BUENAVENTURA,
CALIFORNIA, TEMPORARILY WAIVING
SPECIAL EVENT PERMIT FEES AND
REDUCING INSURANCE REQUIREMENTS
FOR THE EXPANDED TEMPORARY
RETAIL/RESTAURANT OPERATIONS ON
PUBLIC PROPERTY PERMIT**

WHEREAS, On March 4, 2020, the Governor of the State of California declared a state of emergency in response to the spread of the COVID-19 respiratory disease; and,

WHEREAS, On March 12, 2020, the Public Health Director of the County of Ventura (“County Public Health Officer”) declared a local health emergency and further declared that there is an imminent and proximate threat of COVID-19 spreading in the County of Ventura and a threat to the public health of County residents; and,

WHEREAS, On March 15, 2020, the Director of Disaster Services/ City Manager for the City of San Buenaventura proclaimed the existence of a local emergency; and,

WHEREAS, On March 17, 2020, the City Council of the City of San Buenaventura adopted Resolution No. 2020-009 Proclaiming the Existence of a Local Emergency and Ratifying the Director of Disaster Services/City Manager’s Declaration of Local Emergency; and,

WHEREAS, On March 19, 2020, the Governor issued Executive Order 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 sixteen critical infrastructure sectors; and,

WHEREAS, This executive order essentially closed all restaurants and retail within the City except for those restaurants that could provide curbside, delivery, or take out service and those retail businesses that were otherwise permitted to sell essential items; and,

WHEREAS, On March 20, 2020, the County Public Health Officer issued a “Stay Well at Home” order further refining and defining terms of his previous public health order and specifically defining essential businesses; and,

WHEREAS, On April 9, 2020, the County Public Health Officer issued an additional Order restricting gatherings of two or more individuals and imposed additional requirements for essential businesses to ensure social distancing is being implemented; and,

WHEREAS, On May 7, 2020, the County Public Health Officer determined that there was no longer the need for local health orders that were more restrictive than the Governor’s stay at home order; and,

WHEREAS, On May 8, 2020, the Governor allowed some retail businesses meeting certain requirements to reopen; and,

WHEREAS, On May 12, 2020, the Governor allowed restaurants satisfying designated requirements to reopen; and,

WHEREAS, On May 20, 2020, the County Public Health Officer revised his May 7, 2020 order to eliminate any additional restrictions on dining establishments that were not already provided for in the Governor’s order; and,

WHEREAS, On May 20, 2020, the County of Ventura was allowed to reopen more stores and restaurants as long as those businesses follow strict occupancy and social distancing protocols; and,

WHEREAS, These occupancy and social distancing protocols make it difficult for those businesses to operate profitably without

further expanding their ability to serve greater numbers of customers;
and,

WHEREAS, These closures and restrictions have devastated the local economy and caused a significant financial strain on those businesses effected by the stay at home orders and closures; and,

WHEREAS, Chapter 18.250 of the City's municipal code allows for a special events permit to be issued for use of the public streets for public facilities; and

WHEREAS, The City's municipal code establishes a fee to be charged to recover the cost of issuing the permit and includes certain insurance requirements for special events where alcohol is sold or served; and,

WHEREAS, Pursuant to Chapter 18.250, the City desires to issue a special events permit, called the Expanded Temporary Retail/Restaurant Operations on Public Property Permit, to those businesses meeting designated criteria that wish to utilize the public sidewalks, and, in some cases, the public streets, to accommodate additional customers while maintaining social distancing protocols and operational requirements; and,

WHEREAS, The City Council is considering means of encouraging economic growth in the City to boost the local economy and mitigate the impact of the state's and county's response to the COVID-19 pandemic; and,

WHEREAS, In the interest of facilitating the economic recovery of these businesses, it is necessary to lower the barriers to allow issuance, where appropriate, including the cost to secure the permit and the insurance requirements.

NOW, THEREFORE, the City Council of the City of San Buenaventura does hereby resolve, find, determine, and order as follows:

Section 1: The fees charged for the issuance of the special event permit fee under Chapter 18.250 of the City’s municipal code are hereby waived for those businesses applying for the Expanded Temporary Retail/Restaurant Operations on Public Property Permit or any subsequent variation of that permit developed for the use of the public’s sidewalks and streets as provided herein.

Section 2: The insurance requirement for liquor liability in an amount not less than \$2,000,000 per occurrence as required in Chapter 18.250 of the City’s municipal code is hereby reduced to \$1,000,000 per occurrence for those businesses applying for the Expanded Temporary Retail/Restaurant Operations on Public Property Permit or any subsequent variation of that permit developed for the use of the public’s sidewalks and streets as provided herein. In the case of the application for the Expanded Temporary Retail/Restaurant Operations on Public Property Permit submitted by the Downtown Ventura Partners (“DVP”), DVP will provide \$1,000,000 in liquor liability coverage per occurrence and each participating business providing alcohol will provide \$1,000,000 in liquor liability coverage per occurrence. Notwithstanding anything to the contrary herein, all other insurance requirements in Chapter 18.250 continue to apply.

Section 3: This action is exempt under Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because it is not a “project” as defined by CEQA that would have significant effects on the environment. To the extent this action is determined to be a project, adoption of this Resolution is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 21080(b)(4) and CEQA Guidelines section 15269(c) regarding actions to mitigate or prevent an emergency.

Section 4: This Resolution shall remain in effect during the period the local public health emergency exists unless modified or rescinded by further action by the City Council.

PASSED AND ADOPTED this 15th day of June, 2020.



Matt LaVere, Mayor

ATTEST:



Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
GREGORY G. DIAZ, City Attorney

BY: 

Andrew Heglund
Senior Assistant City Attorney

6/10/2020

Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2020-025 which was duly and regularly passed and adopted by said City Council at a regular meeting held June 15, 2020, by the following vote:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere


NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, City Clerk
City of San Buenaventura, California



Date Attested

