**RESOLUTION RE IMPOSSIBILITY TO COMPLY WITH DEADLINES RELATING TO APPLICATIONS FOR ENTITLEMENTS AND PERMITS**

**SECTION 1**. FINDINGS AND PURPOSE:

1. The City of \_\_\_\_\_\_\_\_\_\_\_, California (the City) is a municipal corporation, duly organized under the constitution and laws of the State of California.
2. A novel coronavirus (COVID-19) was first detected in December 2019. COVID-19 has now spread and on March 11, 2020 was declared a global pandemic by the World Health Organization.
3. The federal and state governments and the County of San Mateo have all declared states of emergencies in response to the spread of COVID-19.
4. On March 15, 2020, the Centers for Disease Control (CDC) issued guidance recommending that for the next eight weeks, organizers cancel or postpone in-person events that consist of 50 people or more throughout the United States.
5. On [Date], 2020, the City of \_\_\_\_\_\_\_\_\_\_\_ Director of Emergency Services declared a local emergency within the City of \_\_\_\_\_\_\_\_\_\_\_. This declaration was ratified by the City Council on [Date], 2020 (Declaration of Emergency.)
6. On March 16, 2020, the San Mateo County Health Officer issued an order directing individuals living in the County to shelter at their place of residence unless they are required to engage in certain essential activities, work for essential businesses, or provide essential governmental services (the March 16 County Order.)
7. The March 16, 2020 County Order directs all businesses and governmental agencies to cease non-essential operations at physical operations in the County; prohibits all non-essential gatherings of any number of individuals; and orders cessation of all non-essential travel.
8. On March 19, 2020, the State of California Public Health Officer issued a State Shelter Order, which set baseline statewide restrictions on non-residential business activities until further notice. On March 19, 2020, the Governor issued Executive Order N-33-20, directing California residents to follow the State Shelter Order.
9. On March 31, 2020, the San Mateo County Health Officer issued an Order (the March 31 County Order). The March 31 County Order clarifies, strengthens and extends the terms of the March 16 Order, with the intent of increasing social distancing and further reducing person-to-person contact in order to slow the spread of COVID-19. It states that where a conflict exists between the March 31 County Order and any state order, the more restrictive order controls. It directs individuals living in the County to shelter in place at their places of residence. It further directs all businesses and governmental agencies to cease non-essential operations at physical locations in the County, and orders cessation of all non-essential travel.
10. The March 31 County Order prohibits all public and private gatherings of any number of people occurring outside a single household or living unit, except for the very limited purposes stated in the Order. The March 31 County Order expires at 11:59 p.m. on May 3, 2020, but may be extended.
11. The March 31 County Order states that “Essential Governmental Functions” are those determined to be essential by the governmental entity performing those functions within the County. The City finds that processing or taking action upon applications for entitlements or permits, and the appeal of any action relating to entitlements or permits, are not Essential Governmental Functions, within the meaning of the March 31 County Order.
12. Given these directives and orders, it is impossible or extremely impracticable for the City to process applications for entitlements and permits, and appeals relating thereto, within normal time limits imposed by state and local laws. In order to protect lives and health, City staff is being required to work remotely, making it impossible or extremely impracticable to properly review applications for entitlements and permits, and appeals relating thereto, and to send out public notices and to meet with and receive comments from other impacted agencies. In addition, given the restrictions on meetings and gatherings, it is impossible or extremely impracticable for the City to conduct required public hearings in a manner allowing for robust public participation and input. In fact, doing so would jeopardize public health and safety, and violate the directives and orders described above.
13. Because of these restrictions, it is impossible to meet timeframes for the City to take any action relating to applications for entitlements and permits, and appeals relating thereto, until full City functions can be restored at the conclusion of the time period of the Declaration of Emergency. This action is necessary and essential for the immediate preservation of the public peace, health and safety.
14. The City Council finds, pursuant to the California Environmental Quality Act (CEQA), that the adoption of this urgency Resolution regarding timelines for processing applications for entitlements and appeals does not result in any physical change to the environment. As such, it can be seen with certainty that there is no possibility that the Resolution will have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of \_\_\_\_\_\_\_\_\_\_\_\_ that:

1. Processing and taking action upon applications for entitlements and permits, and the handling of appeals of any actions relating to entitlements or permits, are not Essential Governmental Functions, within the meaning of the March 31 County Order;
2. It is the City’s intent to comply or substantially comply with state and local deadlines relating to applications for entitlements and permits, and appeals relating thereto. However, given the declarations and orders described in Findings E through K of this Resolution, it is impossible or extremely impracticable for the City to process applications for entitlements and permits, and appeals relating thereto, within normal time limits imposed by state and local laws, without jeopardizing the lives and health of City staff, and of the public, in violation of the declarations and orders described above. It is therefore impossible or extremely impracticable for the City to comply with state and local deadlines relating to applications for entitlements and permits, and appeals relating thereto.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_, 2020, by the City Council, State of California.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CERTIFICATION: I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, City Clerk of the City of , California, do hereby certify under penalty of perjury that the foregoing Resolution was duly adopted at a regular meeting of the City Council on the \_\_\_\_day of\_\_\_\_\_\_\_\_, 2020 by the following vote:

AYES:

NOS:

ABSENT:

ABSTAIN: