

CITY OF FAIRFIELD

URGENCY ORDINANCE NO. 2021-01

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD AUTHORIZING AN EMERGENCY SHELTER TO OPERATE AT 2100 PENNSYLVANIA AVENUE DURING THE DECLARED COVID-19 EMERGENCY SUBJECT TO ESTABLISHED STANDARDS

THE CITY COUNCIL OF THE CITY OF FAIRFIELD DOES ORDAIN AS FOLLOWS:

SECTION 1. Urgency Findings. The City Council finds as follows:

- (a) On September 4, 2018, the City Council adopted Resolution 2018-223, finding that the health and safety of homeless individuals in Solano County was threatened by a lack of shelter and declaring the existence of a shelter crisis in the City of Fairfield pursuant to Government Code Section 8698.2.
- (b) The point-in-time count performed in January 2019 indicated that there are 1,151 individuals in Solano County who are homeless, and that more than 80% of those individuals are unsheltered. Although the overall number of homeless individuals decreased from the point-in-time count conducted in 2017, the number of unsheltered individuals rose.
- (c) On January 30, 2020, the World Health Organization Director-General declared the spread of the novel coronavirus (COVID-19) a public health emergency of international concern.
- (d) On February 26, 2020, the Centers for Disease Control and Prevention confirmed community transmission of COVID-19 in the San Francisco Bay Area.
- (e) On March 4, 2020, the State of California declared a state of emergency in response to the COVID-19 pandemic.
- (f) On March 16, 2020, the City Council ratified the City Manager's proclamation of the existence of a local emergency related to COVID-19 due to the danger this infectious disease created to the public health and safety of the residents of the City of Fairfield.
- (g) On March 18, 2020, the public health officer of the County of Solano issued a public health order directing residents of the County to shelter at home. The County of Solano has subsequently superseded this order with succeeding stay at home orders, most recently with an order issued on June 16, 2020, and effective until superseded. The June 16, 2020 order directs persons to continue to limit activities and shelter at home to reduce the

spread of COVID-19, and provides requirements for low, medium, and high-risk activities, as defined, to occur as authorized by the order.

- (h) People experiencing homelessness are especially vulnerable to poor health and highly communicable diseases like COVID-19 due to limited options for safe and sanitary shelter, an inability to practice social distancing, and a lack of access to health care. The Governor has ordered the State to take extraordinary measures to secure shelter for homeless individuals during this emergency to limit exposure to and spreading of COVID-19.
- (i) The State of California Business, Consumer Services, and Housing Agency has provided expertise and guidance to prevent and mitigate the potential transmission of COVID-19 among high-risk homeless individuals, and recommends, among other things, that additional sheltering options be identified to reduce crowding and allow for physical distancing, to accommodate higher shelter demands, to isolate and quarantine people who are exposed to or positive for COVID-19, and to provide protective housing for individuals at highest risk of severe illness.
- (j) On August 18, 2020, City Council adopted Urgency Ordinance No. 2020-15 allowing an emergency shelter to operate at 2100 Pennsylvania Avenue (Assessor's Parcel Number 0034-02-136) on a temporary basis in order to meet emergency shelter needs during a local emergency or state of emergency, provided that such emergency shelter complies with the development standards in Section 25.28.5B of the Fairfield Municipal Code and the emergency shelter ceases operations immediately upon termination of the emergency, or December 31, 2020 whichever is sooner.
- (k) On September 1, 2020 the City entered into a Memorandum of Understanding with BayNorth Church to provide non-congregate emergency housing for 82 high-risk homeless at their property at 2100 Pennsylvania Avenue, to further prevent the potential spread of COVID-19 from September 1, 2020 through December 31, 2020.
- (l) On December 3, 2020, the State issued a regional stay-at-home order to further combat the spread of COVID-19, which identifies five regions statewide, and requires closure of all sectors, except for retail and essential services, in any region when the regional Intensive Care Unit (ICU) capacity of hospitals falls below 15 percent.
- (m) On December 17, 2020, Solano County implemented the state-mandated regional stay-at-home order because regional ICU capacity had fallen below 15 percent.
- (n) The regional stay-at-home order will remain in place until the California Department of Public Health's four-week projections of the region's ICU capacity is greater than or equal to 15 percent.

- (o) There are insufficient housing options available in the City to provide adequate overnight shelter for high-risk homeless individuals in the City.
- (p) Based upon the findings above, the City Council finds that this urgency ordinance is necessary for the immediate preservation of the public health, safety and welfare. The City Council finds and determines that the immediate preservation of the public health, safety and welfare requires that this Ordinance be enacted as an urgency ordinance pursuant to Government Code Section 36937(b) and take effect immediately upon adoption. As described above, the City was experiencing a homeless shelter crisis prior to the COVID-19 pandemic, and COVID-19 has greatly exacerbated the health and safety risks to homeless individuals in the City. This Ordinance needs to become effective immediately in order to allow the City to immediately provide homeless shelter services on a temporary basis to address and mitigate impacts during the declared COVID-19 emergency, at the BayNorth Church from January 1, 2021 through April 30, 2021. Therefore, this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare and its urgency is hereby declared.

SECTION 2. Pursuant to Fairfield City Code Section 25.28.5B(B)(2), the City Council hereby permits, on a temporary basis from January 1, 2021 to April 30, 2021, the operation of an emergency shelter at the property commonly known as 2100 Pennsylvania Avenue (Assessor's Parcel Number 0034-02-1360), during the declared COVID-19 local emergency. The emergency shelter use shall no longer be permitted and operations must immediately cease on the earlier of April 30, 2021, or the termination of the COVID-19 local emergency.

SECTION 3. CEQA. The City Council hereby finds that this Ordinance is exempt from California Environmental Quality Act review pursuant CEQA Guidelines Section 15269(c), which applies to specific actions necessary to prevent or mitigate an emergency. As stated in Section 1 above, this Ordinance to allow for the operation of a temporary emergency homeless shelter is necessary for the immediate preservation of public health, safety, and welfare during the COVID-19 emergency. The City Council further finds that this Ordinance is exempt from CEQA review pursuant to CEQA Guidelines Section 15301, which applies to the operation, permitting, or minor alteration of existing structures involving negligible or no expansion of use, and Section 15303, which applies to conversion of existing small structures from one use to another where only minor modifications are made to in the exterior of the structure. The emergency homeless shelter services authorized by this Ordinance are in an existing facility that complies with the City's development regulations and that requires no modifications or only minor modifications in order to provide temporary shelter services.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent

jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 5. Effective Date. This urgency ordinance shall go into effect immediately upon adoption and shall remain in effect until repealed by City Council. A summary of this ordinance shall, within fifteen (15) days after passage, be published in accordance with Section 36933 of the Government Code of the State of California with the names of the City Councilmembers voting for and against it.

THE FOREGOING URGENCY ORDINANCE was adopted at a regular meeting of the City Council of the City of Fairfield on this on the 19th day of January, 2021 by the following vote:

AYES: Councilmembers: PRICE / BERTANI / MOY / PANDURO / TIMM / TONNESEN / VACCARO

NOES: Councilmembers: _____

ABSENT: Councilmembers: _____

ABSTAIN: Councilmembers: _____

MAYOR

ATTEST:

CITY CLERK