

CITY OF SANTA ANA EXECUTIVE ORDER NO. 13-2020

EXECUTIVE ORDER NO. 13 OF THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY OF SANTA ANA SUSPENDING WATER SHUT-OFFS AND LATE FEES UNTIL THE EXPIRATION OF GOVERNOR NEWSOM'S EXECUTIVE ORDER N-42-20

SECTION 1. Findings.

- A. International, national, state, and local health and governmental authorities have been responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").
- B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19.
- C. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.
- D. The Orange County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19.
- E. On March 17, 2020, the City Council proclaimed the existence of a local emergency to ensure the availability of mutual aid and support an effective City response to the novel coronavirus ("COVID-19").
- F. On March 19, 2020, the City's Director of Emergency Services issued Executive Order No. 1, which suspended discontinuation or shut off of water service for residents and businesses in the City for a period of 60 days for non-payment of water and sewer bills. It also suspended the imposition of late payment penalties or fees for delinquent water and/or sewer bills.
- G. On April 2, 2020, Governor Newsom issued EO N-42-20 prohibiting water service disconnections for residential service and any business in the critical infrastructure sectors designated by the State Public Health Officer as critical to protect the health and well being of all Californians that qualify as a small business under 13 CFR Section 121.201. The purpose of EO N-42-20 was to ensure the continuing right to safe, clean, affordable and accessible water adequate for human consumption, cooking and sanitary purposes.

- H. Currently, Orange County is in the Red Substantial Tier according to the Governor's Blueprint for a Safer Economy. Many businesses have reopened but with restrictions. Notwithstanding, access to water for washing hands, cooking, and sanitary purposes is imperative to businesses and all residential customers.
- I. Many residential customers continue to work from home and attend school from home online because of the local emergency. It is important that all residents continue to have access to running water and sewer services to maintain public health and safety.
- J. The City has determined that, it is important during this time of local emergency that, all residential and business customers have access to water and sewer services without fear of disconnection for non-payment.
- K. This order is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, the City Charter of the City of Santa Ana and the Santa Ana Municipal Code to protect the peace, health, and safety of the public. This order is necessary for the preservation of the public peace, health, and safety of residents living within the City. Under Government Code Section 8634, this order is necessary to provide for the protection of life and property.

NOW, THEREFORE, I, Kristine Ridge, the Director of Emergency Services for the City of Santa Ana, do hereby issue the following order to become effective immediately, subject to further clarification by the City Council:

IT IS HEREBY ORDERED THAT:


SECTION 2. Water and Sewer Services. As a result of the local emergency, the City hereby suspends: (a) the discontinuation or shut-off of water or sewer services for residential customers and all businesses in the City for non-payment of water and/or sewer bills; and (b) the imposition of late penalties or fees for delinquent water and/or sewer bills.

SECTION 3. This Order shall remain in effect until Governor Newsom's Executive Order N-42-20 is terminated, expires, or is repealed. However, nothing in this Order eliminates the obligation of water customers to pay for water services, prevents the City for charging for water services, or reduces the amount the customer may already owe the City for water services.

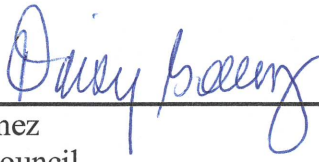
SECTION 4. This Order shall become effective immediately.

SECTION 5. If any section, subsection, sentence, clause, phrase or word of this Order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

PASSED, APPROVED AND ADOPTED this 17 day of November, 2020.

  
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Kristine Ridge  
Director of Emergency Services and  
City Manager

ATTEST:

  
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Daisy Gomez  
Clerk of Council