

CITY OF MOORPARK EXECUTIVE ORDER NO. 2020-08

AN EXECUTIVE ORDER OF THE DIRECTOR OF
DISASTER SERVICES OF THE CITY OF MOORPARK
TO REDUCE HOURLY RENTAL FEES FOR OUTDOOR
PUBLIC FACILITIES AND SUSPEND CONFLICTING
MUNICIPAL LAW

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "coronavirus disease 2019," abbreviated COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California initially 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; and

WHEREAS, on March 12, 2020, Dr. Robert Levin, M.D., the Ventura County Public Health Officer, initially declared a local health emergency within the County of Ventura due to COVID-19; and

WHEREAS, 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; and

WHEREAS, also on March 13, 2020, the City Manager of the City of Moorpark, acting as its Director of Disaster Services, proclaimed a local emergency within the City of Moorpark on account of the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the California Department of Public Health issued COVID-19 public health guidance related to self-isolation for older adults and those who have elevated risks, to further strengthen measures to address the state of emergency caused by the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Dr. Levin issued a public health order to close many types of businesses, including movie theatres, live performance venues, bowling alleys, arcades, gyms, fitness centers, aquatic centers, wineries, breweries, and tap rooms; and

WHEREAS, on March 18, 2020, the City Council of Moorpark adopted a resolution to ratify the Director of Disaster Services' proclamation of a local emergency within the City of Moorpark; and

WHEREAS, on March 20, 2020, Dr. Levin issued a “Stay Well at Home” order requiring that all persons currently living within Ventura County to stay at their residences and to the extent persons are outside of their places of residency to, at all times as reasonably possible maintain a physical distance of at least six feet from one another. On April 20, 2020, Dr. Levin amended and extended the County’s Stay Well at Home order until May 15, 2020; and

WHEREAS, on May 4, 2020, the Governor issued Executive Order N-60-20 declaring that the State would soon be moving to allow lower-risk businesses and spaces to reopen under Stage Two of his plan to reopen the State in four phases, known as the Roadmap to Reopening; and

WHEREAS, Executive Order N-60-20 directs the State Public Health Officer to establish criteria for local health officers to establish and implement public health measures that are less restrictive than measures taken on a statewide basis and to certify such measures; and

WHEREAS, on May 7, 2020, Dr. Levin adopted a new local public health order entitled “Safely Reopening Ventura County” to address the unique needs of Ventura County in response to COVID-19. The Safely Reopening Ventura County order repealed and replaced the April 20 Stay Well At Home order. On May 29, 2020, Dr. Levin amended and extended the Safely Reopening Ventura County order and it expired on May 31, 2020; and

WHEREAS, consistent with the early stage 2 of the State’s Roadmap to Reopening, on May 8, 2020, Ventura County announced that curb-side retail, manufacturing, and logistics businesses could reopen when following social distancing practices. Thereafter, on May 13, 2020, all childcare services, office-based businesses, select outdoor services such as car washes, outdoor museums, and open gallery spaces and other public spaces were permitted to reopen subject to completing risk assessments and implementing worksite-specific COVID-19 prevention plans, among other public health measures; and

WHEREAS, on May 19, 2020, Dr. Levin submitted an attestation form to the State Department of Public Health certifying that Ventura County is ready to prevent the spread of COVID-19 and is therefore capable of moving through Stage 2 of the Roadmap to Reopening; and

WHEREAS, on May 20 and May 22, 2020, Dr. Levin further amended the Safely Reopening Ventura County order to remove restrictions placed on restaurants that had previously limited their operation to pick-up and delivery service. This allowed restaurants to reopen for dine-in service, provided that such restaurants established, implemented, and enforced site-specific COVID-19 prevention plans including compliance with social distancing requirements, as well as registered with the County Public Health Department and attested to their ability to reopen; and

WHEREAS, on May 29, 2020, Dr. Levin further amended the Safely Reopening Ventura County Order to allow additional businesses to open provided that they established, implemented, and enforced site-specific COVID-19 prevention plans including compliance with social distancing requirements as well as registered with the County Public Health Department and attested to their ability to reopen. The amended order also allowed places of worship and providers of religious services and/or cultural ceremonies to reopen for indoor services at a maximum of the larger of 25% of building capacity or 100 persons, in accordance with guidelines issued by the State Public Health Officer; and

WHEREAS, on June 11, 2020, Dr. Levin issued a modified public health order allowing the reopening of additional sectors, including gyms, day camps, restaurants, family entertainment centers, zoos, aquariums, museums, and public pools, provided that they established, implemented, and enforced site-specific COVID-19 prevention plans including compliance with social distancing requirements as well as registered with the County Public Health Department and attested to their ability to reopen; and

WHEREAS, from June 1, 2020 through June 30, 2020, new cases of COVID-19 in the state of California began to increase dramatically, rising from an average of 2,500 per day to more than 5,000 per day, and reaching a height of 10,000 new cases per day by mid-July; and

WHEREAS, on July 2, 2020, Dr. Levin issued two new public health orders in compliance with new directives issued by the State Public Health Officer, which ordered restaurants, movie theaters, family entertainment centers, zoos, museums, and cardrooms to close all indoor operations, and closed all public beaches for the weekend of July 3, 2020 through July 6, 2020; and

WHEREAS, on July 14, 2020, Dr. Levin issued an additional public health order in compliance with new directives issued by the State Public Health Officer, ordering additional industries to close all indoor operations, including gyms, worship services, protests, offices for non-essential sectors, personal care services, hair salons and barbershops, and malls; and

WHEREAS, on August 31, 2020, Dr. Levin modified the July 14 public health order in accordance with modified guidelines issued by the State Public Health Officer, determining that public health data and the status of COVID-19 transmission in Ventura County supported the reopening of indoor hair salons, barbershops, and malls, provided they comply with strict safety protocols set out in the State's health orders; and

WHEREAS, the City of Moorpark desires to help facilitate business recovery and allow religious and cultural institutions to resume in-person services and ceremonies to the extent possible under state and local health regulations, especially given the fluid and challenging circumstances presented by rapidly changing COVID-19 transmission rates; and

WHEREAS, outdoor park facilities offer a relatively safe space to provide services for members of the public, including business operations, worship and religious services, cultural ceremonies, and other outdoor services and operations currently permissible under state and local public health regulations; and

WHEREAS, many outdoor park facilities are currently operating at reduced capacity due to the COVID-19 pandemic and stay-at-home orders; and

WHEREAS, pursuant to Government Code Section 8634 and Moorpark Municipal Code Section 2.48.060 (C)(1), the Moorpark Director of Disaster Services has the authority to make and issue rules and regulations intended to address the COVID-19 emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

NOW, THEREFORE, THE DIRECTOR OF DISASTER SERVICES OF THE CITY OF MOORPARK DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Reduction of Hourly Park Rental Fees for Certain Outdoor Facilities. The hourly park rental fees for the outdoor park facilities listed below for businesses, religious and/or cultural organizations, and other persons or entities that qualify under Group 2 or Group 3 of Section 3.2 of Resolution No. 2020-3876 and that are allowed to operate under current federal, state, and local public health orders, are hereby reduced as follows:

Park Rental Description	Group 2	Group 3
Athletic Field	\$16.00	\$20.00
Ball Field	\$16.00	\$20.00
Open Grass Area	\$6.70	\$10.00
Basketball Court	\$5.35	\$8.00
Tennis Court	\$5.35	\$8.00
Multiuse Court	\$11.25	\$15.00

SECTION 2. Compliance with Public Health Directives. Any persons or entities that are entitled to the reduced fees provided in this Executive Order must comply with all COVID-19 regulations and guidelines issued by the Centers for Disease Control, California Department of Public Health, and Ventura County Department of Public Health at all times while using rented park facilities.

SECTION 3. Temporary Suspension of Conflicting Provisions of Municipal Law. Any conflicting provisions of municipal law, including relevant provisions of Section 2.2 of Resolution No. 2020-3877, are suspended for the duration of this Executive Order.

SECTION 4. Violations. A violation of this Executive Order shall be punishable as set forth in Government Code Section 8665 and Chapter 1.10 of the Moorpark Municipal Code. Additionally, a violation of this Executive Order may result in a revocation of any rental permit issued for outdoor park facilities pursuant to this Executive Order.

SECTION 5. Term. This Executive Order shall remain in effect until the local emergency declared in response to COVID-19 within the City is concluded. This Executive Order may also be extended or superseded during the period of local emergency by a duly enacted resolution or ordinance of the City Council or by a further Executive Order by the Director of Disaster Services.

SECTION 6. Effective Date. This Executive Order shall be effective immediately as of the date set forth below.

SECTION 7. Severability. The Director of Disaster Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director of Disaster Services hereby declares that he would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. Publication. The City Clerk shall certify to the approval of this Executive Order and shall cause notice of it to be disseminated to the public and be given widespread publicity and notice.

APPROVED and ISSUED this 2nd day of October, 2020.



Troy Brown, City Manager
Director of Disaster Services

ATTEST:


Ky Spangler, City Clerk