

RESOLUTION 2022-123

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO, CALIFORNIA, EXTENDING THE EXISTENCE OF A LOCAL EMERGENCY DUE TO NOVEL CORONAVIRUS (COVID-19); DETERMINING THAT THE CITY COUNCIL AND OTHER BROWN ACT BODIES IN THE CITY OF SAN PABLO CONTINUE TO MEET REMOTELY THROUGH SEPTEMBER 30, 2022 DUE TO COVID-19 SOCIAL DISTANCING RECOMMENDATIONS FROM CONTRA COSTA HEALTH DEPARTMENT UNDER ASSEMBLY BILL 361 FINDINGS; AND CONFIRMING THE ACTIONS OF THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code Section 8558 provides for a “State of Emergency” or a “Local Emergency” when conditions as “air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than the conditions resulting from a labor controversy,” which conditions are likely to be beyond the control of the services, personnel, equipment and facilities of any single entity or of a particular political subdivision and require the combined forces of other political subdivisions to combat;

WHEREAS, Government Code Section 8630 authorizes the City Council to proclaim the existence of a “Local Emergency;” and to review the continuing need for such proclamation until the emergency is terminated;

WHEREAS, the Emergency Operations Center (EOC) for the City of San Pablo was activated on Monday, March 16, 2020 due to the Novel Coronavirus (“COVID-19”);

WHEREAS, following declarations of emergency by the State of California (March 4, 2020), Contra Costa County (March 16, 2020) and the Federal government (March 13, 2020), the City Council of the City of San Pablo adopted Resolution 2020-034 on March 16, 2020 proclaiming the existence of a local emergency due to the Novel Coronavirus (COVID-19) pandemic;

WHEREAS, the Governor of California issued several executive orders including Executive Order N-33-20 on March 19, 2020 directing all residents in the State of California stay at home except as needed to maintain continuity of operations of essential critical infrastructure sectors and as designated by the State Public Health Officer as critical to protect health and well-being of all Californians;

WHEREAS, the Federal Government also issued Federal orders and directives in response to COVID-19;

WHEREAS, the Contra Costa Health Services Officer, in conjunction with other Bay Area Health Officers, issued on March 31, 2020 further Shelter-in-Place orders through May 3, 2020 with additional limitations on essential services that could continue;

WHEREAS, on April 29, 2020, pursuant to Contra Costa Health Department Order No. HO-COVID19-09, the shelter-in-place order was continued until May 31, 2020;

WHEREAS, these governmental actions were taken to “flatten the curve” of the infection rate to avoid overwhelming limited medical resources, especially given the particular challenge with of a high infection rate for asymptomatic individuals; thus, creating “superspreader” events when people are in close proximity;

WHEREAS, on May 18, 2020, pursuant to Contra Costa Health Department Order No. HO-COVID19-14, the shelter-in-place order was continued although allowing some businesses to reopen under certain conditions;

WHEREAS, the Bay Area shelter-in-place order was then extended through May 31, 2020 with the current Contra Costa County Health Department Order dated June 5, 2020 extending the shelter-in-place orders, but with increasing allowance for certain businesses and other activities to occur following certain conditions, recognizing the goals of the Governor’s announcement on May 4, 2020 of a “Roadmap for Recovery”;

WHEREAS, on July 5, 2020, Contra Costa Health Services Officer issued Order HO-COVID19-22 generally requiring members of the public and workers to wear face coverings when less than 6 feet away from any person who is not a member of the individual’s household and when inside or on the grounds of any business;

WHEREAS, on July 11, 2020, the Contra Costa Health Services Officer issued HO-COVID19-24 increasing restrictions on high risk activities and businesses due to increasing community transmissions of COVID-19, hospitalizations, illness and positivity rate;

WHEREAS, on July 13, 2020, the California Department of Public Health provided guidance on closure of various sectors because COVID-19 transmission rates continue to rise throughout the State;

WHEREAS, on August 5, 2020, the Contra Costa Health Services issued an updated Mass Isolation Order and on August 26, 2020 issued a revised social distancing order to allow certain business sectors to begin outdoor operations in light of steadying hospitalization and COVID-19 positivity rates in Contra Costa County; and

WHEREAS, on August 28, 2020, the State issued a new Public Health Order dated August 28, 2020 effective August 31, 2020, which created a new tier system of Counties with guidance for business re-openings known as “California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe;”

WHEREAS, on September 4, 2020, the County Public Health Department recognized some stabilization in the rate of COVID-19 cases and hospitalization and issued Health Order HO-COVID19-27 to reiterate social distancing, limitations on gatherings and mask requirements, but also to ease restrictions on some gatherings of children, to allow mining and logging operations and to clarify vehicle gatherings;

WHEREAS, on September 14, 2020, the County Public Health Department issued Health Order HO-COVID19-28 to align with state guidelines for personal care services, cardrooms, racetracks and professional sports without live audiences;

WHEREAS, on September 16, 2020, the County Public Health Department issued Health Order HO-COVID19-29 to align with CDC guidelines on quarantining if exposed to someone with COVID-19, including exceptions for health care workers, first responders, and critical infrastructure workers to continue working if certain conditions are met, with such guidance superseded on October 8, 2020, when the County Public Health Department issued Health Order HO-COVID19-32 to update its Mass Quarantine Order to comply with the State of California Public Health Officer's guidance on who is considered a close contact or not;

WHEREAS, on September 29, 2020, the Contra Costa Health Department announced that Contra Costa County had moved into the less restrictive red tier ("substantial" spread of COVID-19) of the State's four-tiered, color-coded reopening system;

WHEREAS, on October 6, 2020, the State's Blueprint for a Safer Economy included a "health equity metric" that will also be used to determine a county's tier to ensure California reopens its economy safely by reducing disease transmission in all communities, particularly given higher COVID rates among communities of color;

WHEREAS, as of October 27, 2020, Contra Costa County moved into the orange tier with moderate infections at 4.1 cases per day per 100,000 and 1.9% positive tests; however, the positivity rate in those in the lowest health equity quartile is 3.9%;

WHEREAS, on November 16, 2020, in light of increasing COVID infection and hospitalization rates throughout the United States, including California, twenty-eight counties were moved back into the purple/widespread infection tier 1, including Contra Costa County;

WHEREAS, on December 3, 2020, the California Department of Public Health issued a Regional Stay at Home Order based on the increasing rate of COVID-19 cases, hospitalizations and positivity rates across California;

WHEREAS, the Bay Area Region, including Contra Costa County, implemented the State's Stay at Home Order from December 6, 2020 until January 25, 2021, with the County reverting to the purple-tier of widespread infection;

WHEREAS, on March 15, 2021, the County moved into the red-tier allowing more openings of businesses and schools;

WHEREAS, on April 7, 2021, the County moved into the orange tier (moderate risk of infection) given decreasing cases and hospitalizations and increasing vaccination rates,

allowing additional business and community sectors to open and subsequently aligned with the State's guidelines on the wearing of masks;

WHEREAS, Contra Costa County notified the City on May 5, 2021 that the testing facility at Davis Park would now be run by a State contractor, Logistics Health Incorporated/Optum, and that the County would cover Logistics Health under its insurance and the parties extended the MOU for this use to September 30, 2021 pursuant to a Second Amendment to the Agreement with the County;

WHEREAS, on May 5, 2021, Contra Costa County aligned with the State on relaxing mask requirements, but continued to support some masking requirements through June 15, 2021;

WHEREAS, on June 11, 2021, the State Public Health Officer issued a new Order indicating that on June 15, 2021, the State will move "Beyond the Blueprint for a Safer Economy" and eliminate the color-coded tier system for counties, along with further mask guidance with CalOSHA developing new workplace COVID-19 regulations;

WHEREAS, on July 16, 2021, due to increasing case and hospitalization rates, the Contra Costa Health Officer along with other Bay Area Health Officers recommended that everyone consider wearing face coverings whenever they enter indoor public spaces, regardless of their vaccination status;

WHEREAS, on September 9, 2021, the federal government announced that all employers with more than 100 employees would be required to ensure that their workplace is fully vaccinated or that unvaccinated employees provide proof of a negative test weekly;

WHEREAS, Assembly Bill 361 was passed to allow teleconferencing during a proclaimed state of emergency in certain circumstances, including if State or local officials have imposed or recommended measures to promote social distancing (e.g. during a pandemic);

WHEREAS, on September 20, 2021, Contra Costa Health Services Department provided recommendations for safely holding public meetings given the COVID-19 pandemic signed by Health Officer Chris Farnitano, MD with the Department's primary recommendation is: "On-line meetings (teleconferenced meetings) are strongly recommended as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19";

WHEREAS, under County Health Order HO-COVID19-60 dated December 27, 2021, Emergency First Responders are required to have a COVID-19 booster to be deemed "fully vaccinated" or undergo weekly testing;

WHEREAS, due to increasing infection rates (County transmission level was back to red-high) and increasing hospitalization rates, masks were required in all indoor public settings regardless of vaccination status as of December 28, 2021;

WHEREAS, on February 2, 2022, Contra Costa Health Services Department updated its recommendations for safely holding public meetings given the COVID-19 pandemic with the Department's primary recommendation continuing to be that: "On-line meetings (i.e. teleconferenced meetings) are strongly recommended as these meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19";

WHEREAS, as the State and County have announced the lifting of the mask mandate for many indoor venues as of February 16, 2022; although, businesses and operators may still require masks and masks are encouraged to decrease the risk of transmission;

WHEREAS, on March 1, 2022 and again on April 15, 2022, Contra Costa Health Services Department updated its recommendations for safely holding public meetings given the COVID-19 pandemic with the Department's primary recommendation continuing to be that: "On-line meetings (i.e. teleconferenced meetings) are strongly recommended as these meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19";

WHEREAS, on May 13, 2022, as the Bay Area experienced a "new swell of COVID cases and hospitalizations" and the state's "highest COVID infection rates," the health officers in Contra Costa County and eleven other Bay Area jurisdictions (City and County of San Francisco, the Counties of Alameda, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz and Sonoma, and the City of Berkeley) issued a statement "stressing the importance of taking safety precautions," (2) "reiterat[ing] their continued, strong support for people to mask up indoors, keep tests handy, and ensure they are up to date on vaccinations by getting boosters when they are eligible," (3) reminding the public that "masking is strongly recommended by the California Department of Public Health for most indoor public settings," and (4) encouraging "limiting large gatherings to well ventilated spaces or outdoors";

WHEREAS on May 16, 2022, June 14, 2022 and July 5, 2022, Contra Costa Health Services Department updated its recommendations for safely holding public meetings given the COVID-19 pandemic with the Department's primary recommendation being that: "On-line meetings (teleconferenced meetings) are encouraged, where practical, as those meetings present the lowest risk of transmission of SARS-CoV-2, the virus that causes COVID-19.";

WHEREAS turning to City actions, on April 6, 2020, pursuant to Resolution 2020-042, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Emergency Services Order No. 1 issued March 23, 2020, which addressed operational issues during the emergency including a Modified City Operations Plan dated March 19, 2020; and

2. Revised Modified City Operations Plan dated April 1, 2020, declaring certain City projects as “Essential Governmental Functions/Public Works Projects” and further limiting activities;

WHEREAS, on April 20, 2020, pursuant to Resolution 2020-051, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Revised Modified City Operations Plan dated April 8, 2020 further limiting access to City Administrative Offices and essential services occurring at City facilities; and continuing to cancel all City-sponsored community events and gatherings per the Governor’s State-wide Executive Orders No. N-25-20 (03/12/20) and No. N-33-20 (03/19/20) and Contra Costa County Health Department Order No. #HO-COVID-19-03 (03/31/2020);
2. City of San Pablo Administrative Policy – Coronavirus (COVID-19): Families First Coronavirus Response Act (FFCRA) and Emergency Family and Medical Leave Expansion Act (EFMLE) dated April 1, 2020;
3. City of San Pablo Administrative Policy – Limited Duration Telework Policy dated April 1, 2020;

WHEREAS, on May 4, 2020, pursuant to Resolution 2020-055, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Revised Modified City Operations Plan dated April 20, 2020 regarding face coverings in response to Contra Costa County Health Department Order No. #HO-COVID-19-08 (04/17/2020);
2. Revised Modified City Operations Plan dated April 30, 2020 in response to Contra Costa County Health Department Order No. #HO-COVID-19-09 (04/29/2020) extending the shelter-in-place order to May 31, 2020 but allowing some businesses and activities to resume; and
3. City Essential Business/Project Updates dated May 4, 2020;

WHEREAS, on May 18, 2020, pursuant to Resolution 2020-060, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Memorandum dated May 7, 2020 to implement COVID-19 Informational Hotline for San Pablo residents;

WHEREAS, on June 1, 2020, pursuant to Resolution 2020-068, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Letter dated May 22, 2020 to the Contra Costa County Health Services Department re: Casino San Pablo Notification to Re-Open and discussion with Contra Costa County Health Officials;

WHEREAS, on June 15, 2020, pursuant to Resolution 2020-077, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. Memos from the City Manager and Assistant City Manager: "Expectations of Employees Returning to Work" dated June 3, 2020; "Protocols for Social Distancing -- COVID-19 Response Plan" dated June 3, 2020; "COVID-19 Health Screenings" dated June 3, 2020; and
2. Revised Modified City Operations Plan dated June 4, 2020

WHEREAS, on July 6, 2020, pursuant to Resolution 2020-086, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on July 20, 2020, pursuant to Resolution 2020-094, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. COVID-19 Health Screening and Protocols for candidates and those involved with ballot measures who need to come to City Hall.

WHEREAS, the City has also established a City hotline for assistance with COVID-19 resources and questions; and

WHEREAS, on August 3, 2020, pursuant to Resolution 2020-105, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. City Council Meeting Protocols at City Hall during COVID-19 Emergency;

WHEREAS, On September 8, 2020, pursuant to Resolution 2020-115, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services including but not limited to:

1. "COVID-19 Hot Zone and Employee Reporting in the Workplace" dated August 6, 2020

WHEREAS, on September 8, 2020 per Resolution 2020-112, the City Council confirmed an agreement with Contra Costa County to provide financial support for the COVID-19 Youth/Young Adult Ambassadors to be trained about COVID-19 and then to prepare and post messages about COVID-19 on social media;

WHEREAS, on September 8, 2020 per Resolution 2020-116, the City Council amended the City Council Priority Workplan to explore the feasibility of a financial assistance grant or loan program for local San Pablo businesses affected by the COVID-19 pandemic in collaboration with the San Pablo EDC (San Pablo Economic Development Corporation);

WHEREAS, on September 21 2020, pursuant to Resolution 2020-123, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on September 21, 2020, the City Council also adopted Ordinance 2020-010 repealing Ordinance 2020-006, which suspended automatic approval deadlines during the COVID-19 emergency. The City Council also approved Resolution 2020-124 extending the Housing Assistance Grant Program and Resolution 2020-125 creating an Ad Hoc City Council Committee to address COVID-19 issues;

WHEREAS, on October 5, 2020, pursuant to Resolution 2020-127, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on October 21, 2020, pursuant to Resolution 2020-131, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on November 2, 2020, pursuant to Resolution 2020-136, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Service since the last meeting, including but not limited to:

1. Coronavirus COVID-19 Update and Revised City Modified Operations Plan (Version #9 dated October 28, 2020)

WHEREAS, on November 2, 2020, pursuant to Resolution 2020-135, the City Council also authorized a one-time event sponsorship of \$3,000 for the Free COVID-19 Testing Event available to the public scheduled for Saturday, November 7, 2020; and

WHEREAS, on November 16, 2020, pursuant to Resolution 2020-139, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Service since the last meeting; and

WHEREAS, on November 16, 2020, pursuant to Resolution 2020-143, the City Council also approved a memorandum of agreement with Contra Costa Health Services to create of COVID-19 testing site at the Davis Park Multi-purpose room; and

WHEREAS, on December 7, 2020, pursuant to Resolution 2020-154, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting; and

WHEREAS, on December 21, 2020, pursuant to Resolution 2020-159, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting; and

WHEREAS, on January 19, 2021, pursuant to Resolution 2021-02, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on February 2, 2021, pursuant to Resolution 2021-10, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on February 16, 2021, pursuant to Resolution 2021-14, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting including but not limited to:

1. City's Revised Modified Operations Plan dated February 4, 2021 to implement stricter mask wearing requirement at City facilities;

WHEREAS, on March 1, 2021, pursuant to Resolution 2021-19, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on March 1, 2021, pursuant to Resolution 2021-20, the City Council also authorized a letter agreement with Contra Costa County to continue providing financial support of up to \$4,200 for San Pablo youth to continue participating in the COVID-19 Youth and Young Adult Ambassadors program;

WHEREAS, on March 15, 2021, pursuant to Resolution 2021-024, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting, including but not limited to including but not limited to the promulgation of the Temporary Administrative Policy regarding COVID-19 Families First Coronavirus Response Act (FFCRA) – Temporary City Extended Leave;

WHEREAS, on March 15, 2021, pursuant to Resolution 2021-028, the City Council decided to cancel certain City-sponsored large-scale events for calendar year 2021 due to the COVID-19 pandemic;

WHEREAS, on April 5, 2021, pursuant to Resolution 2021-033, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on April 5, 2021, pursuant to Resolution 2021-038, the City Council entered into an amended Memorandum of Agreement with the County to provide a framework for the County Public Health Department and City Manager to mutually agree to the use of additional City facilities for COVID-19 testing or vaccination sites;

WHEREAS, on April 5, 2021, pursuant to Resolution 2021-033, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on April 19, 2021, pursuant to Resolution 2021-047, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on May 3, 2021, pursuant to Resolution 2021-053, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS on May 17, 2021, pursuant to Resolution 2021-057, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting including but not limited to:

1. the COVID-19 Prevention Program required by CalOSHA; and
2. Logistic Health Incorporated as agent of the County running the Davis Park COVID-19 testing facility;

WHEREAS, on June 7, 2021, pursuant to Resolution 2021-066, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting including but not limited to:

1. City Proposed Re-Opening Plan for Local Government Services v.11 issued May 13, 2021 by the City Manager/Director of Emergency Services; and
2. Revised COVID-19 Supplemental Sick Leave Policy dated May 17, 2021 as authorized by the federal American Rescue Plan Act and the State Senate Bill 95; and

WHEREAS, on June 21, 2021, pursuant to Resolution 2021-075, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on July 6, 2021, pursuant to Resolution 2021-093, the City Council approved the implementation of the "Welcome Back Reopening Plan" dated July 1, 2021,

which opened City parks and fields as of July 1, 2021 and amended the Preliminary Re-opening phases to have Phase II of City employees working full-time in City facilities starting August 16, 2021;

WHEREAS, on July 19, 2021, pursuant to Resolution 2021-095, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting including but not limited to:

1. Worksite-Specific COVID-19 Plan dated July 1, 2021
2. Second Amendment to the MOU with the County to extend COVID-19 testing at Davis Park to September 30, 2021;

WHEREAS, on August 2, 2021, pursuant to Resolution 2021-101, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting;

WHEREAS, on September 7, 2021, pursuant to Resolution 2021-107, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last City Council meeting including but not limited to:

1. Modified City Operations Plan version 13 dated August 4, 2021 -- Due to a surge in COVID-19 infection rates in part caused by the Delta variant and stagnating vaccination rates, the City implemented a revised Modified Operations Plan that addressed:
 - a. Compliance with more stringent Cal-OSHA Emergency Temporary Standards (ETS) due to employee outbreaks of COVID-19
 - b. Mandatory submission of COVID-19 Employee Vaccination Forms
 - c. Postponement of Phase II to September 15, 2021 in City's adopted Welcome Back Re-opening Plan
2. Modified City Operations Plan version 14 dated August 24, 2021 that is effective September 1, 2021, City employees who are unvaccinated or refuse to provide vaccination status information will be required to be tested at least weekly. This step was taken in part due to increasing number of COVID-19 cases and exposures among City employees, which require the City to follow stricter Cal-OSHA requirements related to masking and social distancing to reduce COVID-19 exposures.
3. Extended the County's use of the Davis Park Community Center for testing until December 31, 2021;

WHEREAS, on September 21, 2021, pursuant to Resolution 2021-121, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services since the last meeting, including but not limited to:

1. Revised Modified City Operations Plan version 15 dated September 3, 2021 -- Due to a surge in COVID-19 infection rates in part caused by the Delta variant and stagnating vaccination rates, the City implemented a revised Modified Operations Plan that requires elected officials to provide proof of vaccination or a negative COVID-19 test within prior 72 hours of entering a City facility, worksite or event.

WHEREAS, on September 29, 2021, at a Special City Council meeting, the City Council determined that the City Council and other San Pablo Brown Act bodies continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department;

WHEREAS, on October 4, 2021, pursuant to Resolution 2021-129, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all in accordance with Assembly Bill 361's revisions to the Brown Act to address remote meetings during emergencies; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on October 18, 2021, pursuant to Resolution 2021-131, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 16 dated September 14, 2021 regarding rules for those entering City facilities and participating in City programs;

WHEREAS, on November 1, 2021, pursuant to Resolution 2021-141, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 17 dated October 14, 2021 regarding rules for those entering City facilities and participating in City programs;

WHEREAS, on November 15, 2021, pursuant to Resolution 2021-147, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to

COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on December 6, 2021, pursuant to Resolution 2021-152, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Execution of a Third Amendment to Memorandum of Agreement with the County for use of Davis Park Community Center for COVID-19 testing until December 31, 2021 which the City Council confirmed on September 7, 2021.
2. Authorization of a Fourth Amendment to Memorandum of Agreement with the County for use of Davis Park Community Center for COVID-19 testing under March 31, 2022;

WHEREAS, on December 20, 2021, pursuant to Resolution 2021-161, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on January 18, 2022, pursuant to Resolution 2022-007, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 18 dated January 7, 2022 regarding rules for those entering City facilities and participating in City programs including the shutting down of City administrative offices for the week of January 10, 2022 and directing applicable City staff to work remotely; and
2. City Administrative Policy for COVID-19 Vaccination or Mandatory Testing revised January 7, 2022, including that all new City employees must be vaccinated unless granted medical or religious exemption;

WHEREAS, on February 7, 2022, pursuant to Resolution 2022-018, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely due to COVID-19 social distancing recommendations from Contra Costa Health Department; and confirmed

the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 19 dated January 13, 2022 regarding rules for those entering City facilities and participating in City programs including the shutting down of City administrative offices until January 31, 2022 and directing applicable City staff to work remotely;

WHEREAS, on February 22, 2022, pursuant to Resolution 2022-029, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on March 7, 2022, pursuant to Resolution 2022-034, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on March 21, 2022, pursuant to Resolution 2022-039, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on April 4, 2022, pursuant to Resolution 2022-049, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Fifth Amendment to the Memorandum of Agreement with Contra Costa County for Mutual Aid Assistance Provided in Response to the COVID-19 Pandemic including the continued use of the Davis Park testing site through May 31, 2022;

WHEREAS, on April 18, 2022, pursuant to Resolution 2022-0063, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 20 dated April 12, 2022 regarding rules for in-person City Council, Council Standing Committees and Commission meetings, for those entering City facilities and participating in City programs with the exception of extending remote meetings for the City Council and Brown Act

- bodies through June 30, 2022 (which will be reflected in a Modified City Operations Plan version 20A);
2. Administrative Sick Leave Policy for City employees dated April 7, 2022;
 3. Revised COVID-19 Prevention Program dated April 18, 2022;

WHEREAS, on May 2, 2022, pursuant to Resolution 2022-064, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through June 30, 2022; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 20A dated April 28, 2022 modifying Revised Modified Operations Plan version 20 dated April 12, 2022 in the following ways: (a) extending remote meetings for the City Council and Brown Act bodies through June 30, 2022 as directed by the City Council; (b) clarifying that the term “fully vaccinated” under the Plan refers to individuals who completed, at least two weeks before, all COVID-19 vaccine series recommended by the CDC excluding booster shots, and (c) encouraging (but not requiring) all staff and members of the public to receive CDC-recommended booster shots;

WHEREAS, on May 16, 2022, pursuant to Resolution 2022-067, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through June 30, 2022; and confirmed the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting including but not limited to:

1. Revised Modified City Operations Plan version 20B dated May 11, 2022, modifying Revised Modified Operations Plan version 20A dated April 28, 2022, to eliminate the COVID-19 vaccine requirement for youth under the age of 12 who participate in City Programs and remove the masking requirement for outdoor components of such programs;

WHEREAS, on June 6, 2022, pursuant to Resolution 2022-071, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through June 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all, as the City Council previously directed; and confirm the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting, including but not limited to:

1. Revised Modified City Operations Plan version 21 dated May 31, 2022, which became effective on June 6, 2022 upon approval by the City Council. Under that revised plan, to ensure that the Police Department can file critical vacancies while aligning with public health guidance issued by Contra Costa

County Health Services, the City strongly encourages but no longer requires newly-hired San Pablo Sworn Officers to be fully vaccinated.

WHEREAS, on June 21, 2022, pursuant to Resolution 2022-103, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through September 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all; and confirm the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting, including but not limited to:

1. Revised Modified City Operations Plan version 22 dated June 14, 2022, which became effective on June 21, 2022 upon approval by the City Council. Under that revised plan, all Brown Act bodies of the City will continue to meet remotely through September 30, 2022 in accordance with Assembly Bill 361.

WHEREAS, on July 5, 2022, pursuant to Resolution 2022-108, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through September 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all; and confirm the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on July 18, 2022, pursuant to Resolution 2022-112, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through September 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all; and confirm the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, on July 18, 2022, pursuant to Resolution 2022-117, the City Council extended the declaration of a local emergency; determined that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through September 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all; and confirm the additional actions taken by the Director of Emergency Services, including those actions taken since the last Council meeting;

WHEREAS, as set forth in the staff reports and presentations accompanying each Resolution extending the declaration of a local emergency and as reported in federal, state and county public health websites, the COVID-19 cases and deaths continue to rise with San Pablo continuing to be identified as a “hot spot” with a high per capita rate of confirmed COVID-19 cases in Contra Costa County; although, the vaccination rate is increasing; and

WHEREAS, according to the East Bay Economic Development Alliance’s (East Bay EDA) Business Recovery Survey Results published on May 19, 2020, 80% of East Bay businesses are “microbusinesses” employing fewer than 10 employees, which often have

limited cash reserves and are not positioned to take on more debt to survive COVID19 and shelter-in-place orders; microbusinesses are more likely to be minority- or women-owned compared to larger businesses; nearly 40% of the survey respondents were temporarily closed because they were not considered “essential” and 42.3% of West Contra Costa County businesses temporarily closed;

WHEREAS, eleven out of fifteen surveyed West Contra Costa County businesses indicated staff reductions in the 75-100% range, with layoffs and revenue losses hitting low-wage workers the hardest with impacts in the following industries: food and beverage; retail and personal services; hospitality/leisure/entertainment and many San Pablo residents have experienced job loss or reduced hours due to COVID-19 and shelter-in-place orders;

WHEREAS, Contra Costa County overall saw an increase in unemployment from a March 2020 unemployment rate of 4.1 percent to an April 2020 unemployment rate of 14.5 percent, with nearly 3.7 million Californians filing for unemployment during the first six weeks of COVID-19 pandemic and the nation seeing the highest level of unemployment in 70 years;

WHEREAS, according to the East Bay EDA, there were 25,560 jobs lost in the East Bay during March and April 2020, representing nearly 30% of job cuts in the nine-county Bay Area. However, the Urban Institute estimated 45,666 low-income jobs (annual earnings below \$40,000) lost just in Contra Costa County through May 8, 2020;

WHEREAS, it was reported in the LA Times on August 21, 2020 that California’s unemployment rate is at 13.3% with 3 million on unemployment and 202,136 new claims in the week prior to the article. Contra Costa County’s rate is 14.5% with 77,600 unemployed individuals;

WHEREAS, on December 14, 2020, the website for the State’s Employment Development Department (EDD) showed that California’s unemployment rate in September 2020 was 11.0% with 2,058,800 unemployed individuals, but that data was from September 12 before the current shut down. In February 2021, the unemployment rate in California was 8.5%;

WHEREAS, California’s July 2021 unemployment rate of 7.6% was 5.6 percentage points lower than it was in July 2020; although, new unemployment claims continue;

WHEREAS, to address these economic impacts and the critical need that residents remain sheltered during the pandemic to decrease the transmission of COVID-19, on April 27, 2020, the City Council adopted Urgency Ordinance 2020-008 temporarily prohibiting evictions of residential and commercial real property tenants impacted by the COVID-19 pandemic and establishing a moratorium on rent increases. In addition, on May 4, 2020, pursuant to Resolution 2020-054, the City Council approved the guidelines for a grant program for residents financially impacted by COVID-19;

WHEREAS, on June 29, 2020, the City Council increased the grant for COVID Housing Assistance Program for FY 2019/20 (Resolution 2020-081) and established a COVID Housing Assistance Program for FY 2020/21 (Resolution 2020-082), which was extended on January 19, 2021, pursuant to Resolution 2021-006 and further extended to June 30, 2021 pursuant to Resolution 2021-031;

WHEREAS, on June 7, 2021, pursuant to Resolution 2021-082, the City Council increased the grant amounts for 2020/21 to \$2,000 per eligible household. In addition, the City Council, pursuant to Resolution 2021-083, extended the Housing Assistance grant program at \$2,000 per eligible household to September 30, 2021 or until grant funds run out, whichever is sooner;

WHEREAS, on October 21, 2020, pursuant to Resolution 2020-133, the City Council established and approved program guidelines for the San Pablo "Back to Business" COVID-19 Relief Fund to offer forgivable loans to small businesses with the San Pablo Economic Development Corporation administering the program with funds that were reallocated from the City's Community Grant Foundation program;

WHEREAS, the City of San Pablo lost \$2.34 million in revenue for each month that Casino San Pablo was closed and continues to lose revenue with modified Casino operations due to public health restrictions, in addition to \$1.3 million every month from other City revenue sources, forcing a hiring freeze, suspension of all non-essential spending and layoff of part-time employees;

WHEREAS, the economic recovery from COVID-19 and its impacts are estimated to be in terms of years not months;

WHEREAS, the City received the 2021 payment of \$3.7 million of funding from the federal American Rescue Plan of 2021 (ARPA) in July 2021 and expects the second half in July 2022 and pursuant to Resolution No. 2021-104, the City Council directed staff to proceed with a Community Needs Assessment process to determine ARPA Funding Priorities and Allocations based on further staff analysis of ARPA eligible fund expenses;

WHEREAS, on October 4, 2021, pursuant to Resolution No. 2021-130, the City Council allocated the ARPA funds to a separate fund with \$3,706,733 earmarked for City revenue losses;

WHEREAS on April 4, 2022, pursuant to Resolutions Nos. 2022-055 and 2022-056, the City Council allocated and appropriated ARPA funding of \$7,413,4677 for critical programs and projects;

WHEREAS, in addition, since May 2020, the nation experienced civil unrest in the wake of the death of George Floyd while detained by a Minneapolis police officer on May 25, 2020, which has led to peaceful protests, but also to some rioting and looting in neighboring communities in violation of shelter-in-place and social distancing orders that

could further exacerbate the spread of COVID-19 and placing additional demands on public safety resources, which are already taxed by COVID-19 issues;

WHEREAS, the City Manager/Director of Emergency Services recommends that the City Council extend the declaration of a local emergency; determine that the City Council and other Brown Act bodies in the City of San Pablo continue to meet remotely through September 30, 2022 due to COVID-19 social distancing recommendations from Contra Costa Health Department and for the safety of all; and confirm the additional actions taken by the Director of Emergency Services; and

WHEREAS, the City Council of the City of San Pablo hereby finds conditions of extreme peril to the health and safety of persons and property have continued within the City of San Pablo caused by COVID-19 including not only health impacts but economic impacts with many residents having jobs eliminated or hours reduced, as well as impacts to the City's own financial condition; these conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City of San Pablo and require the combined forces of other political subdivisions to combat; and these conditions are of such extreme peril to warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Pablo that:

1. A local emergency continues to exist throughout the City of San Pablo commencing on or about 7:00 am on Monday, March 16, 2020 and shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of San Pablo;
2. All actions taken by the Director of Emergency Services and City Manager in response to this local emergency since the last City Council meeting are confirmed;
3. During the existence of said local emergency, the Director of Emergency Services and the Emergency Organization of the City shall continue to have the duties and responsibilities as set forth in Resolution 2020-034;
4. In compliance with Assembly Bill 361 and the revised Government Code section 54953(e), the City Council has reconsidered the circumstances of the state of emergency and determines that the City Council, Local Successor Agency, City Housing Successor Agency, City of San Pablo Joint Powers Financing Authority, City Council Standing Committees, and Commissions subject to the Brown Act shall continue to provide a phone-in/video-conference option through September 30, 2022 for participation given the following findings:

- a. The emergency continues to impact the ability of the City Council, its Standing Committees and Commissions, as well as the staff and members of the public, from meeting safely in person; and
- b. The Contra Costa County Health Department recommends holding on-line (teleconferenced or video-conferenced) meetings; and
- c. Within the next thirty (30) days, a report on the most recent conditions of emergency and disaster shall be presented to this City Council so that this City Council may determine whether conditions of emergency and disaster still exist and whether the City Council and Brown Act bodies of the City of San Pablo shall continue to be conducted remotely.

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ADOPTED this 10th day of August, 2022, by the following votes:

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| AYES: | COUNCILMEMBERS: | Pabon-Alvarado, Cruz, Ponce, Pineda and Xavier |
| NOES: | COUNCILMEMBERS: | None |
| ABSENT: | COUNCILMEMBERS: | None |
| ABSTAIN: | COUNCILMEMBERS: | None |

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| ATTEST: | APPROVED: |
|---------|-----------|

/s/ Dorothy Gantt
Dorothy Gantt, City Clerk

/s/ Rita Xavier
Rita Xavier, Mayor