

Legislation Text

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DATE OF MEETING: 07/06/20

SUBJECT:

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) AND CONFIRMING THE ACTIONS TAKEN BY THE DIRECTOR OF EMERGENCY SERVICES

CITY MANAGER RECOMMENDATION

Adopt Resolution

COMPLIANCE STATEMENTS

This action is not in the City Council's Priority Workplan but is necessary for the operation of government during an emergency.

CEQA Compliance Statement

The adoption of a resolution extending a declaration of an emergency in light of a pandemic is not a project under the California Environmental Quality Act, and if deemed a project would be categorically exempt pursuant to 14 CCR section 15269.

BACKGROUND

Following declarations of emergency by the State of California (May 4, 2020), Contra Costa County (May 16, 2020) and the Federal government (May 13, 2020), the City Council of the City of San Pablo adopted Resolution 2020-034 (attached) on March 16, 2020 proclaiming the existence of a local emergency due to the Novel Coronavirus (COVID-19) pandemic. A copy of that resolution was provided to the State and County Emergency Operations Centers. The City's Emergency Operations Center was activated on or about 7:00 a.m. on March 16, 2020. The City Manager/Director of Emergency Services issued a Modified City Operations Plan dated March 16, 2020.

Since then, the Governor of California has issued several executive orders in light of COVID-19, including Executive Order N-33-20 on March 19, 2020 directing all residents in the State of California to stay at home (often referred to as "shelter-in-place") except as needed to maintain essential critical infrastructure sectors and as designated by the State Public Health Officer as critical to protect the health and well-being of all Californians. These actions were taken in part to "flatten the curve" of the infection rate to avoid overwhelming limited medical resources. A particular challenge with containing the COVID-19 virus is the high infection rate for asymptomatic individuals; thus, creating "superspreader" events when people are in close proximity.

In addition, 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 further

limitations on activities. The Bay Area shelter-in-place order was then extended through May 31, 2020. The Contra Costa County Health Department issued Order HO-COVID19-16 dated June 2, 2020 and HO-COVID19-17 dated June 5, 2020 extending the shelter-in-place orders, but with increasing allowance for certain businesses and other activities to occur under certain conditions, recognizing the goals of the Governor's announcement on May 4, 2020 of a "Roadmap for Recovery" but awaiting local data to support loosening restrictions further. On June 16, 2020, the Contra Costa Health Services issued Order HO-COVID19-18 with further guidance on businesses and activities (attached). The State also issued guidance on June 18, 2020 regarding when the wearing of face coverings (masks) are required (attached). The Federal Government has also issued Federal orders and directives in response to COVID-19. Resources can be found at these links:

[<https://www.coronavirus.cchealth.org/>](https://www.coronavirus.cchealth.org/); [<https://covid19.ca.gov/>](https://covid19.ca.gov/);
[<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx>](https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx);
[<https://www.cacities.org/Policy-Advocacy/Hot-Issues/Coronavirus-Resources-for-Cities>](https://www.cacities.org/Policy-Advocacy/Hot-Issues/Coronavirus-Resources-for-Cities);

City Actions since the Declaration of a Local Emergency

On April 6, 2020, pursuant to Resolution No. 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.

On April 20, 2020, pursuant to Resolution No. 2020-051, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director:

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) to "flatten the curve" of the infection rate of COVID-19.

In addition, the Annual 4th of July Multi-Cultural Family Celebration Event is regrettably cancelled because operational planning and staffing resources for major community events is a "Non-Essential Service" at this time; and the financial costs are deemed "Non-Essential Spending" given the impacts to the City's General Fund budget from the closure of the Casino and decreased sales tax revenues during the COVID-19 emergency.

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.

On May 4, 2020, pursuant to Resolution No. 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) to “flatten the curve” of the infection rate of COVID-19;
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.

On May 18, 2020, pursuant to Resolution No. 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

On June 1, 2020, pursuant to Resolution No. 2020-068, the City Council extended the declaration of 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.

On June 15, 2020, pursuant to Resolution No. 2020-077, the City Council extended the declaration of a local emergency and confirmed the additional 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

Medical Data on COVID-19 Cases

As of June 23, 2020, there were 2,454 confirmed cases of COVID-19 in Contra Costa County, and 62 deaths. As of June 23, 2020, there were 183,073 confirmed cases of COVID-19 in California

with 5,580 deaths. As of June 23, 2020, there were 2,302,288 cases of COVID-19 in the United States with 120,333 deaths. All of those numbers are expected to continue to rise. Further, San Pablo continues to be identified as a “hot spot” with 218 confirmed COVID-19 cases at an increasingly high rate of 694 cases per 100,000 population.

Economic Impacts of COVID-19 and Shelter-in-Place Orders

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. Eleven out of fifteen surveyed West Contra Costa County businesses indicated staff reductions in the 75-100% range. Layoffs and revenue losses hit low-wage workers the hardest with impacts in the following industries: food and beverage; retail and personal services; hospitality/leisure/entertainment.

<https://eastbayeda.org/wp-content/uploads/2020/05/East-Bay-Business-Recovery-Survey-Findings-5-19-20.pdf>

Many San Pablo residents have experienced job loss or reduced hours due to COVID-19 and shelter-in-place orders. Contra Costa County overall saw an increase in unemployment from a March unemployment rate of 4.1 percent to an April unemployment rate of 14.5 percent. According to the East Bay EDA, there were 25,560 jobs lost in the East Bay during March and April, 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.

<https://www.urban.org/features/where-low-income-jobs-are-being-lost-covid-19> Nearly 3.7 million Californians filed for unemployment during the first six weeks of COVID-19 pandemic and the nation seeing the highest level of unemployment in 70 years.

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 No. 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 through May 31, 2020. In addition, following previous City Council direction, on May 4, 2020, pursuant to Resolution No. 2020-054, the City Council approved the guidelines for a grant program for residents financially impacted by COVID-19.

The fiscal impact due to COVID-19 and shelter-in-place orders to the City entity itself is discussed below under the “Fiscal Impacts” heading. The City of San Pablo is not unique in facing a significant revenue shortfall due to COVID-19 and the shelter-in-place orders, requiring the City to look to use of reserves and reduction in expenses to balance its budget. According to data from the League of California Cities, California cities are anticipating a nearly \$7 billion general revenue shortfall over the next two fiscal years.

<https://www.cacities.org/Images/COVID19-Fiscal-Impact-on-CA-Cities-Infographic-FIN.aspx>. The State’s announcement of a one-year reprieve on the payment of sales and use taxes for certain businesses will also impact the City’s budget. The economic recovery from COVID-19 and its

impacts are being estimated in terms of years not months.

Civil Unrest

Concurrently, there have been protests throughout the country in response to George Floyd's death while detained by a Minneapolis police officer on May 25, 2020. Although many of those protests have been peaceful, there have also been incidents of civil unrest, looting, rioting, fires and significant property damage, including in other Bay Area communities of San Francisco, Oakland, Vallejo, Emeryville, Walnut Creek and Pleasant Hill, as well as the shooting death of a Federal Protective Services officer in Oakland. On June 2, 2020, Contra Costa County declared a local emergency due to civil unrest and issued a Countywide curfew that included both incorporated and unincorporated areas, which has since been terminated. In addition to such potential injury and damage that is likely to expand, such civil unrest also increases the potential for more transmissions of COVID-19 and violations of shelter-in-place orders, including the increased possibility of transmissions affecting public safety officers.

City Facilities and City Council Meetings

As this report is being written, City staff is in the process of moving some departments into the new City Hall. It is exciting to be in the City's first City Hall actually built for that purpose, but frankly, also challenging with COVID-19. The City has a responsibility to its staff to maintain a safe working environment. In addition, the County Health Department is also still recommending online meetings as they have the lowest risk of COVID-19 transmission. As City staff acclimates to the new building and equipment, we will be working on protocols and building modifications that would allow City officials to attend Council meetings in the new Council Chambers and then at a later date, the public. However, we expect the online meeting options to continue indefinitely, so that elected officials, staff and members of the public who feel more comfortable with the maximum social distancing through virtual meetings can continue to participate effectively. City staff is also looking at protocols and building modifications for other City facilities, including rentals.

Recommendation

Accordingly, the City Manager/Director of Emergency Services recommends that the City Council extend the declaration of a local emergency and confirm the additional actions taken by the Director of Emergency Services.

FISCAL IMPACT

At this time, the full fiscal impact of declaring an emergency is unknown, but such a declaration may make Federal and State funding and resources available. However, as indicated in prior staff reports, the San Pablo Lytton Casino closed on March 17, 2020. For every month that the Casino is closed, the City is projected to lose approximately \$2.34 million in revenue in addition to \$1.3 million every month for other City revenue sources such as sales tax. The Casino reopened on June 16, 2020 although its capacity is limited in its effort to comply with social distancing and other protocols to minimize the risk of COVID-19 transmission.

On March 25, 2020, the City Manager directed staff to reduce costs in FY 2019/20 by an immediate suspension of all non-essential spending; a City-wide full-time hiring freeze effective April 1, 2020; and a City-wide part-time hiring freeze effective immediately. This budget expense directive was due to the impacts of the prolonged shelter-in-place order and the Casino shutdown and the anticipated General Fund revenue shortfall during FY 2019/20. Further budget information was provided at the Special Council meeting on April 27, 2020, at which time City Council approved by minute order the recommendations made by the City Manager to balance the FY 2019/20 budget. Further budget information was provided at the City Council meetings on May 18, 2020 and June 1, 2020. On June 1, 2020, pursuant to Resolution No. 2020-069, the City Council adopted an Employee Voluntary Separation Program to help address the fiscal impacts to the City's budget due to COVID-19 and the shelter-in-place orders. The City Council adopted the revised budgets for FY 2019/20 and 2020/21 on June 15, 2020, with each year relying on use of budgeted reserves per the Fiscal Resiliency Reserve Policy to close the budget shortfalls. For FY 2020/21, balancing the budget also relies on concessions from the City's labor groups and unrepresented employees to close the budget gap.

ATTACHMENTS

- 1) Proposed Resolution
- 2) County Health Department Order COVID19-18 dated June 16, 2020
- 3) California Department of Public Health "Guidance for the Use of Face Coverings" dated June 18, 2020
- 4) Resolution 2020-034 Proclaiming the Existence of a Local Emergency dated March 16, 2020
- 5) PowerPoint presentation on Extension of Local Emergency