

Legislation Text

File #: #20-304, Version: 1

PREPARED BY: LYNN TRACY NERLAND

DATE OF MEETING: 09/08/20

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

Council Priority Workplan

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 (CEQA) pursuant to 14 CCR section 15378, and if deemed a project would be exempt pursuant to 14 CCR sections 15061 and 15269.

BACKGROUND

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 (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. The State also issued guidance on June 18, 2020 regarding when the wearing of face coverings (masks) are required.

On June 28, 2020, the Governor recommended that Contra Costa County delay reopening efforts given increasing Covid-19 numbers:

- 75% increase in hospitalized COVID-19 patients from June 15 to June 29
- 7-day average of COVID-19 cases increased from 38 to 87 per day with increase in percentage of positive tests (4% to 6%)
- 55% who tested positive in June were 40 years or younger compared to 38% in April

Contra Costa County remains on the State's watch list. https://covid19.ca.gov/roadmap-counties/; https://covid19.ca.gov/roadmap-counties/;

On July 1, 2020, the Governor sent a letter to all elected officials in California urging State and local unity and cooperation in the fight against COVID-19. The letter warns that lack of such cooperation could extend the pandemic and its economic effects, as well as jeopardizing eligibility for State funding.

On July 5, 2020, the 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. The Order refers to the significant and increasing number of cases of community transmission of COVID-19 within the County. On July 5, 2020, the Contra Costa Health Services Officer also issued Order HO-COVID19-23 updating its mass quarantine order to require persons with close contact to a person diagnosed with COVID-19. The quarantining shall be for 14 days from the last contact in the infected person. On July 11, 2020, the Contra Costa Health Services Officer issued HO-COVID19-24 increasing restrictions on high-risk businesses and activities due to increasing community transmissions of COVID-19, hospitalizations, illness and positivity rate.

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.

On July 28, 2020, the Contra Costa County Board of Supervisors passed Ordinance No. 2020-21, authorizing the issuance of warnings, citations or fines to businesses and people not complying with COVID-19 health orders. Fines for businesses start at \$250 for the first violation and increase for subsequent violations. Fines for individuals start at \$100 and increase for subsequent violations. COVID-19 violations can be reported online:

<<u>https://secure.coplogic.com/dors/en/filing/selectincidenttype?dynparam=1598656581419></u> As the San Pablo Police Department understands, the County's focus is on businesses and other larger entities whose violations can impact a greater number of residents, with education remaining the first

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step. The San Pablo Police Department is likewise focused on education.

On August 5, 2020, the Contra Costa Health Services issued an updated Mass Isolation Order (attached) and on August 26, 2020 issued a revised social distancing order to allow certain business sectors to begin outdoor operations (attached) in light of steadying hospitalization and COVID-19 positivity rates in Contra Costa County. On August 28, 2020, the State issued a new Public Health Order dated August 28, 2020 effective August 31, 2020 (attached), which creates a new tier system of Counties with guidance for business reopenings known as "California's Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe." A handy list of "Openings at a Glance" is also attached in both English and Spanish that reflects the new State guidance.

In addition, on August 31, 2020, the Governor signed Assembly Bill 3088, "Tenant, Homeowner, and Small Landlord Relief and Stabilization Act of 2020," to provide further Statewide protections to tenants unable to pay rent due to COVID-19 impacts, as well as some foreclosure protections for property owners.

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB3088

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://covid19.ca.gov/>;

https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx, 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:

 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

On July 6, 2020, pursuant to Resolution No. 2020-086, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services.

On July 20, 2020, pursuant to Resolution No. 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.

The City has also established a City hotline for assistance with COVID-19 resources and questions. City staff is available to respond to calls in English and Spanish. As of July 20, 2020, the City had received 21 calls from San Pablo residents and one call from a Richmond resident.

On August 3, 2020, pursuant to Resolution No. 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 (attached)

By separate action on the agenda for September 8, 2020, the City Council is being asked to provide additional funds for the County's "COVID-19 Youth/Young Adult Ambassador program to educate youth and young adults regarding COVID-19 who can then create and share messages on social media platforms. The funding will be focused first on youths in San Pablo and then within the 94806 zip code.

<https://813dcad3-2b07-4f3f-a25e-23c48c566922.filesusr.com/ugd/84606e 29e569c1cae64cda9dfadcb367935ac9.pdf>

Medical Data on COVID-19 Cases

As of August 28, 2020, there were 13,562 confirmed cases of COVID-19 in Contra Costa County, and 173 deaths. As of August 26, 2020, there were 683,529 confirmed cases of COVID-19 in California with 12,550 deaths. As of August 28, 2020, there were 5,845,876 cases of COVID-19 in the United States with 180,165 deaths. All of those numbers are expected to continue to rise.





Total confirmed cases of COVID-19 in Contra Costa by age group. Includes recovered.



New Deaths by Day

Total new deaths from COVID-19 in Contra Costa by the date it was reported to public health.

Further, San Pablo continues to be identified as a "hot spot" with 1,212 confirmed COVID-19 cases at an increasingly high rate of 3,858 cases per 100,000 population. Currently, San Pablo has the highest per capita number of COVID-19 cases in the County and has the fifth highest total number of COVID-19 cases in the County (Richmond, Antioch, Concord and Pittsburg are higher).

Effective Monday, August 31, California bands its 58 counties into four color-coded tiers according to two local COVID-19 data indicators: the county's case rate per 100,000 population, and the percentage of tests that come back positive. Contra Costa County remains on the State's watch list in the purple/most restrictive tier with widespread infections but with a stabilizing infection rate of .99 (compared to Statewide infection rate of .93); a 6.2% test positivity and 10.8 new COVID-19 cases per 100,000 in population. (August 28, 2020).

https://calcat.covid19.ca.gov/roadmap-counties/; https://calcat.covid19.ca.gov/cacovidmodels/

During an earlier Council meeting, there were questions about why San Pablo is a hot spot. Information from the California Department of Health on racial and ethnicity demographics with COVID-19 can be found here, as well as an article in the LA Times discussing a study done at UCLA regarding COVID-19 risk factors:

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx>; <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Race-Ethnicity.aspx>

Also, during an earlier Council meeting, the City Council asked for information about the difference between COVID-19 and the regular "flu" and information was provided. In summary, both COVID-19 and the flu are respiratory illnesses, but COVID-19 is not the flu. COVID-19 spreads much more easily and has significantly higher hospitalization and death rates than the flu. Overall, the CDC estimates that between 12,000 and 61,000 deaths annually can be attributed to the "regular" flu in the United States. The CDC has not finalized the number of deaths from the 2019/2020 "regular flu" but estimate between 24,000 and 62,000 flu-related deaths. In contrast, as of July 23, 2020, an estimated 142,755 deaths in the U.S. are attributable to COVID-19 and the numbers are increasing.

	"Regular" Flu	COVID-19
Hospitalization rate	1-2%	20%
Death rate	0.1%	4.4%
Transmission rate (R0)*	1.3	5.7

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

<<u>https://www.urban.org/features/where-low-income-jobs-are-being-lost-covid-19></u> 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. On June 29, 2020, the City Council increased the grant for COVID Housing Assistance Program for FY 2019/20 (Resolution No. 2020-081) and established a COVID Housing Assistance Program for FY 2020/21 (Resolution No. 2020-082).

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

Some City staff have moved into new City Hall, while other staff members have been delayed as the City navigates COVID-19 and social distancing and other protections for a safe workplace.

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The contractor also continues with "punch list" items to complete new City Hall, which is not open for the public at this time. The City is required by law to maintain a safe working environment for those employees who do need to work in City Hall. The City Council confirmed the Emergency Services Director's COVID-19 Health Screening protocols for City Council candidates pulling and filing nomination papers and anyone involved with submitting a ballot argument if they are unable to do so electronically.

Currently, San Pablo, as well as Contra Costa County and all cities in the County are conducting their Council (Board) meetings virtually. City staff has discussed when it might be possible for Electeds and ultimately the public to be present in the Council Chambers. This is, of course, dependent on how the COVID-19 pandemic progresses, especially here in Contra Costa County. The County Health Department is still recommending online meetings as they have the lowest risk of COVID-19 transmission.

https://www.coronavirus.cchealth.org/frequently-asked-questions

On August 3, 2020, the City Council confirmed the timeline/thresholds for having the Electeds (Phase 2) and eventually the public (Phase 3) in the Council Chambers based on health criteria (memorialized in the attached Order No. 2 of the Emergency Services Director). The Public Works Department continues to explore physical barriers that can be installed in the City Council Chambers to separate individuals without permanently damaging the dais. Technological equipment to capture live video feed from the Council Chambers and Zoom meeting to Granicus has been procured.

Wildfire Emergency

On August 16, 2020, the Governor declared a State of Emergency due to "extreme heat" and then on August 18, 2020, declared a State of Emergency due to the wildfires raging throughout the State. Here in Contra Costa County, the air quality has been poor causing further health issues.

Urgency Ordinance Suspending Automatic Approval Deadlines for Land Use

On April 6, 2020 - in what we now realize were just the early days of the COVID-19 pandemic the City Council adopted urgency Ordinance No. 2020-006 to suspend automatic approval deadlines for all land use, subdivision and zoning applications. At the time, City staff was still in the initial stages of accessing and reacting to the emergency having closed City Hall, sent employees home, and released part-time staff and consultants. We did not know how many of the City's full-time employees might be infected or be caring for infected family members or young children sent home City staff members were also assigned other duties with the activation of the from school. Emergency Operations Center. Further, as a small city with limited full-time staff, just one staff member unavailable could have a significant impact on services. For example, until recently, the City had just one full-time planner on staff. Thus, the concern was that inability to comply with quick deadlines during the COVID-19 emergency could lead to certain land use applications being deemed complete and even approved under federal and state laws without having all necessary information or appropriate staff or public review. It was also unclear whether the State was going to take any Statewide consistent action or leave each jurisdiction to deal with deadlines for land use, subdivision and zoning applications. Accordingly, staff recommended that the City Council adopt an urgency ordinance suspending any such automatic approval deadlines for land use, subdivision and zoning applications; although, still committing to process those applications as efficiently as possible while still complying with the COVID-19 public health orders.

Since the adoption of the Urgency Ordinance, staff - as well as the City Council and Planning Commission - have been adapting to the new "normal" operating mode. Thus, staff will be reviewing whether to continue the Urgency Ordinance and will make a recommendation to the City Council on September 21, 2020.

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 including but not limited to:

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

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.

As noted above, estimated costs to include plexiglass barriers or to make other COVID-19 safety improvements to the City Council Chambers have not been determined or budgeted yet.

ATTACHMENTS

- 1) Proposed RES 2020-###
- 2) COVID-19 Hot Zone and Employee Reporting in the Workplace dated August 6, 2020
- 3) Order No. 2 of the Director of Emergency Services regarding City Council Meeting Protocols at City Hall during COVID-19 Emergency dated August 3, 2020
- 4) State Public Health Department Order dated August 28, 2020
- 5) County Openings at a Glance in English (08-31-20) and Spanish (08-31-20)
- 6) County Order COVID19-26
- 7) County Order COVID19-25 with attachments related to quarantining, self-isolation and waiting for test results
- 8) Resolution 2020-034 Proclaiming the Existence of a Local Emergency dated March 16, 2020

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9) PowerPoint presentation on Extension of Local Emergency