



**Town of Atherton
Office of the Mayor
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SENT ELECTRONICALLY

April 23, 2020

Honorable Don Horsley, County Supervisor
Scott Morrow, County Health Officer
Mike Callagy, County Manager

SUBJECT: GARDENING AND LANDSCAPING PROVISIONS

On April 15, the Atherton City Council expressed continuing concern regarding the broad prohibition on gardening and landscaping activity. This concern has been echoed by numerous members of the public. A growing number of property owners continue to utilize the services of commercial landscapers and gardeners in violation of the Health Order and it is becoming more difficult for the Town to enforce. The City Council directed that a letter be sent to the County Supervisor, County Manager, and Health Officer expressing the Town's concerns on the issue.

The Shelter-in-Place Order provides that arborists, landscapers, gardeners, and similar service professionals are allowed, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep). This provision fails to address issues related to the length of time properties may lay unmaintained and the resultant safety concerns or the inability of property owners to maintain their property on their own due to physical, health or other limitations. There is an exemption for safety of residents, and while that exemption seems to be expressly limited to dangerous conditions of property or fire safety, we believe that the exemption should be expanded to include impacts on a resident's physical health. Health issues come into play when walkways are covered with accumulated debris and lawns go to seed with residents who have asthma or allergies. A new order should allow lawns to be mowed every two or three weeks.

In addition to residents disregarding the prohibition for a variety of reasons, including a lack of understanding how gardeners working alone and without contact with the residents contribute to a serious level of risk, the prohibition disproportionately impacts workers that could and would return to work with the imposition of reasonable restrictions. Many landscapers and gardeners work alone or in limited number when working on residential property. These workers are also almost always in open space areas that are at least, if not more, than 6 feet from others.

To prevent a continued disregard and to find a way to get workers back to work, the Town suggests that the County approve a compromise with reasonable requirements on the work. For example, workers can be required to comply with:

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- Limitations on the number of workers on the job site and in a vehicle;
- Requirements for workers to wear protective masks and have cleaning supplies;
- Requirements for proper social distancing; and
- Requirements that prevent those that are sick from working.

These and similar types of guidelines can be used to move the region forward, enable re-engagement of a workforce that live paycheck-to-paycheck and obtain greater compliance from our residents. Please feel free to contact our City Manager George Rodericks or myself with any questions.

Sincerely,



Rick DeGolia
Mayor
Town of Atherton