



Item No. 3 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: MAY 6, 2020

SUBJECT: RATIFICATION OF SUCH RULES AND REGULATIONS ENACTED BY THE DIRECTOR OF EMERGENCY SERVICES IN RESPONSE TO COVID-19

RECOMMENDATION

It is recommended that the City Council certify the continuing emergency, and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

BACKGROUND/ANALYSIS

History of Actions

On **March 3, 2020**, the County of San Mateo declared a State of Emergency. The Governor followed with a similar declaration for the State on March 4, 2020.

On **March 13, 2020** as the Director of Emergency Services, I issued a Proclamation of Local Emergency. The Proclamation allowed the Town to take the steps necessary to protect the safety of our community and Town staff in response to the COVID-19 Pandemic. These steps included streamlined purchasing to secure the resources necessary to respond in a timely manner; the implementation of rules or regulations, as needed for the protection of life or property; implementation of programs or services to protect life or property; ramping up or down of Town service delivery in response to COVID-19 social distancing protocols; and the recovery of costs related to any of these responses.

On **March 16, 2020** the San Mateo County Health Order initiated a Shelter in Place across a broad spectrum of activities until April 7.

On **March 18, 2020** the City Council reviewed and approved the Declaration of Local Emergency. The City Council also provided specific direction regarding requirements under the declaration of emergency specifically related to the **prohibition of all construction activity**.

Pursuant to Council direction, as the Director of Emergency Services, I ordered that all construction activity in the Town of Atherton be suspended for the duration of the Shelter in Place Order. Construction sites were provided the opportunity to finalize ongoing construction work, seal, and weather-proof their sites. That activity was allowed to continue through Saturday, March 21. Sites that needed additional time to comply with the order were processed on a case-by-case basis in consultation with the Building Official and City Manager.

Action was taken to suspend all building construction activity due to the Town's limited resources to issue permits, conduct regular inspection services and inability to adequately protect its inspection and field personnel. Waiving requirements of field inspections increases the risk of unsafe construction. Failure to provide adequate protective gear to protect inspectors and field personnel from contaminated job sites puts Town staff and the general public at risk for exposure to COVID-19. Further, Federal and State governments have formally requested that protective gear be preserved for essential health workers and public safety personnel. Housing production is a continuing priority not just for the Town but also the region, but the need to reduce the local health emergency takes precedence and was determined to be in the best interest of public health and safety.

On **March 19, 2020** the Governor enacted Executive Order No. N-33-20 ordering all individuals in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of specific identified federal critical infrastructure sectors. The Governor also empowered local agencies to take such actions deemed necessary to preserve and protect the health and safety of their communities in light of their specific circumstances. The Governor's Order does not have an end date.

As Director of Emergency Services, the following specific actions were taken with respect to Town Services and Operations:

1. All Town Committee Meetings have been cancelled through April 30. This includes the following Committees: Audit & Finance, Bicycle & Pedestrian, Environmental Programs, Park and Recreation, Rail, Transportation, and Tree.
2. City Council and Planning Commission Meetings will be limited to essential items only and will be conducted pursuant to the Governor's Executive Order regarding the Brown Act to allow maximum remote participation by the Public and Council/Commission.
3. All non-essential Special Meetings of the City Council scheduled for March 24 and April 1 are cancelled (Fire Services Issue and Budget Study Session).
4. All organized activities at the Park during the Shelter-in-Place Order are cancelled and will be rescheduled. The Park remains OPEN for non-organized recreational activities, compliant with social distancing protocols.
5. Tennis facilities are CLOSED.
6. Playground and Par Course facilities are open, but the Town wipes down the equipment only twice daily. Signs have been posted encouraging users to use caution.
7. Scheduling of any new events at the Park through April 30 have been placed on hold.
8. All currently scheduled private events, training, and classes from April 7 through April 30 have been encouraged to cancel or postpone. The Town will assist in facilitating a cancellation or postponement without incurring a fee to do so.

9. Little League has suspended their activities at the Park.
10. Knox Preschool suspended their activities.
11. Library Services are closed.
12. Postal Annex Services are closed.
13. All Town Offices are closed to in-person public contact; but Town operations are considered an essential service and basic internal operations will continue. However, unlike larger agencies, the Town does not have a depth of staff that would allow for full rotation of staffing should a COVID-19 quarantine arise. As such, staff will be telecommuting and using electronic communications to the maximum extent feasible and using an A-Team/B-Team approach when at the office for essential work.
14. Field operations continue and the Town's Public Safety and Public Works personnel continue work as first responders in support of maintenance and public safety operations deemed essential.
15. Emergency building permits will be reviewed electronically and will be approved for work as deemed necessary to complete emergency work required for maintaining the safety of a residence and its occupants.

The above actions were ratified by the Council at the March 25, 2020 Special Meeting.

On **March 31, 2020**, the Bay Area Counties, including San Mateo County, enacted an extension of the Shelter-in-Place Order through May 3. The order enacts further restrictions, to include restrictions on construction activity.

Based on that order, additional actions were taken:

16. Playground, Picnic and Par Course areas at the Park will be closed to public use **through May 3. (Extended to May 31, 2020)**
17. All Town Committee Meetings have been cancelled **through May 3**. This includes the following Committees: Audit & Finance, Bicycle & Pedestrian, Environmental Programs, Park and Recreation, Rail, Transportation, and Tree.
18. Scheduling of any new events at the Park **through May 3** have been placed on hold. **(Extended to May 31, 2020)**
19. All currently scheduled private events, training, and classes from April 7 **through May 3** have been encouraged to cancel or postpone. The Town will assist in facilitating a cancellation or postponement without incurring a fee to do so. **(Extended to May 31, 2020)**
20. All residential construction activity is prohibited, except in the case of emergency.

The above actions were ratified by the Council at the April 1, 2020, April 8, and April 22 Meetings.

On **April 23, 2020**, the following action was taken:

21. All Town Committee meetings to resume normal operations beginning May 3. All meetings to be conducted virtually pursuant to the State Order.

On **April 29, 2020**, the following action(s) were taken:

22. Landscaping and gardening activity was authorized to continue pursuant to the County's Shelter-in-Place Order, effective May 4, 2020.
23. All construction activity was authorized to continue pursuant to the County's Shelter-in-Place Order, effective May 4, 2020.
24. For the duration of the Shelter-in-Place Order, all service providers (landscapers, contractors, tree trimmers, pool cleaners, house cleaners, etc.) should park interior to the property to the maximum extent possible. If it is not possible to park interior to the site, only the right-of-way on the property being services may be used.

New Actions/Activity

As the Director of Emergency Services, I will regularly review the specific actions taken under the Shelter-in-Place Order and the Town's Declaration of Local Emergency. Such review will be conducted with the City Council at regular meetings so long as the local emergency persists.

In between Council meetings, modifications may be made should local circumstances or applicable law change. In addition, as the Director of Emergency Services, limited exceptions may be granted to any of the above specific actions to protect life, health or safety, provided that they can be done consistent with all applicable local, County, State and Federal Orders.

25. Based on the new Shelter-in-Place Order, effective May 4, 2020, items **highlighted** above have been extended or modified through May 31, 2020. This is in addition to those that were ratified on April 23 and 29.
26. Staff is evaluating Town Operations (Admin, Finance, Postal Services, Building, Planning and Public Works) to enact measures to allow public engagement and services.

RECOMMENDATION

It is recommended that the City Council certify the continuing emergency, and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

ATTACHMENTS

None.