



Item No. 4 Town of Atherton

CITY COUNCIL STAFF REPORT – MANAGER’S REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: APRIL 8, 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

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 been 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 is suspending 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. The City Council will continue to meet weekly to certify the continuing emergency and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

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**.
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.
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.
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 Special Meeting. The City Council will continue to meet weekly to certify the continuing emergency and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

Construction Activity

The Town initiated a Builder's Roundtable Subcommittee to assist in identifying ways that residential construction could continue should requirements under the local Order be relaxed. These could include a limitation on the number of workers on the job site, social distancing requirements, requirements for personal protective equipment, and the requirement that the contractor sign an authorization agreeing to abide by the requirements or face being shut down

through the duration of the shelter-in-place order. The Town anticipated that any relaxation of the prohibition on construction would be self-regulating as the Town does not have the available resources to realistically conduct enforcement in this area.

The Builder's Roundtable Subcommittee met twice and developed the attached Rules and Regulations that would allow for the resumption of building construction in the community. The Rules and Regulations would also apply to Public Works and Essential Infrastructure Projects. However, given the Town's Building Official would have the discretion to amend the requirements as needed to address the specific project. For example, exceptions could be made for numbers of job site personnel, # of handwashing stations and vehicles in ROW. The Rules and Regulations also require the screening of personnel entering the job site on a daily basis. The check-in screening questions will be provided in English and Spanish.

Based on early discussion and prior to release on March 31, 2020, the Council had the option to allow residential construction to continue. However, with the new Order, that option has been eliminated in the short-term. However, the work of the Builder's Roundtable Subcommittee will be used during the COVID-19 Recovery Period to begin moving public activities forward following relaxation of the Shelter-in-Place Order.

Public infrastructure projects that support an Essential Governmental Function (defined locally) and Essential Infrastructure Projects are allowed to continue. The Order defines Essential Infrastructure as including airports, utilities, oil refining, roads and highways, public transportation, solid waste, cemeteries, mortuaries, crematoriums, and telecom. Projects that maintain the operation or repair of these items are allowed to continue. Therefore, work by PG&E, West Bay Sanitary, Calwater, telecom agencies, or the Town in support of that infrastructure are allowed.

Specifically, the Order states that construction is allowed only in the following areas:

1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
4. Public works projects, if specifically designated as an Essential Governmental Function by the lead governmental agency;
5. Shelters and temporary housing, but not including hotels or motels;
6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and

8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses, are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed.

The City Council will separately discuss the determination of Essential Governmental Function construction as it relates to the Town Center Project.

Staff will begin processing normal Town functions in support of Town operations that can occur. These include review and approval of the FY 2020/21 Budget and maintenance and improvements to critical infrastructure (streets, drainage, facilities, etc.). Staff is also looking forward and preparing an analysis of short- and long-term fiscal impact to the Town's revenue and expenditure projections. A Report will be provided to the Council at the April 15 Council Meeting.

As the Director of Emergency Services, I will be regularly reviewing 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 weekly so long as the local emergency persists.

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.

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