



Item No. 4 Town of Atherton

CITY COUNCIL STAFF REPORT – ACTION ITEM

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: JANUARY 13, 2021

SUBJECT: CONSIDERATION OF LETTER TO THE STATE OF CALIFORNIA REGARDING COVID-19 PROTOCOLS FOR HOUSES OF WORSHIP

RECOMMENDATION

It is recommended that the City Council review the attached correspondence, provide edits as necessary, and authorize the Mayor to execute the letter on behalf of the Town.

BACKGROUND | ANALYSIS

At the December 16 Regular City Council meeting, the Council asked that staff return at the January 13, 2021 City Council meeting with a draft letter to the State of California regarding COVID-19 protocols for houses of worship for the Council's consideration. The Council asked that the Town's correspondence asked the State to consider houses of worship similarly situated as to retail with respect to indoor capacity.

FISCAL IMPACT

None.

POLICY FOCUS

Aside from any chapels within any of the Town's private schools, the Town does not have standalone houses of worship. The policy discussion will revolve around the Town's engagement on this issue at the State level.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents

as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

COMMISSION/COMMITTEE FEEDBACK/REFERRAL

This item ___ has or X has not been before a Town Committee or Commission.

- Audit/Finance Committee (meets every other month)
- Bicycle/Pedestrian Committee (meets as needed)
- Environmental Programs Committee (meets every other month)
- Park and Recreation Committee (meets each month)
- Planning Commission (meets each month)
- Rail Committee (meets every other month)
- Transportation Committee (meets every other month)

ATTACHMENTS

1. Draft Correspondence



Town of Atherton
Office of the Mayor
150 Watkins Avenue
Atherton, California 94027
Phone: (650) 752-0500

January 13, 2020

Governor Gavin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814

SUBJECT: RESTRICTIONS ON RELIGIOUS GATHERINGS

The Supreme Court continues its support for religious freedom in the face of a pandemic by giving religious institutions the freedom to operate in a manner consistent with similarly situated commercial establishments. The Town of Atherton strongly encourages the Governor to do the same.

Under the Regional State Order, places of worship and political expression are required to close **all indoor activity** while entertainment production industries, retail and shopping centers are allowed to operate indoors at **reduced capacities**. The Supreme Court has been very clear that the State's restrictions cannot not single out places of worship for harsher treatment in part by imposing restrictions on such institutions that treat them dissimilarly to businesses with similar occupancy opportunities.

Places of worship should be treated similarly to retail, grocery stores and shopping centers that are allowed to operate under the Regional State Order at 20% or 35% capacity, depending on the associated activity. To do otherwise, unfairly prejudices religious activity under the First Amendment. It is well understood that reasonable protocols can be applied that will limit the density of indoor services; and services attended outside during cold or inclement weather adds to the potential for illness. Reasonable protocols that include social distancing, face coverings, cleaning and disinfecting, individual screening measures and other industry guidance, can all be applied without triggering a blanket closure of the religious institution and thereby an infringement of the freedom of religion.

The Town of Atherton encourages the State to follow the guidance of the Supreme Court and treat religious institutions in a manner consistent with similar situated commercial establishments by enacting reasonable protocols, guidance and restrictions rather than a requirement for closure.

Sincerely,

Elizabeth Lewis
Mayor
Town of Atherton