

RESOLUTION 2020-139

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 OF THE DIRECTOR OF EMERGENCY SERVICES

WHEREAS, Government Code Section 8558 provides for a “State of Emergency” or a “Local Emergency” when conditions as “air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than the conditions resulting from a labor controversy,” which conditions are likely to be beyond the control of the services, personnel, equipment and facilities of any single entity or of a particular political subdivision and require the combined forces of other political subdivisions to combat;

WHEREAS, Government Code Section 8630 authorizes the City Council to proclaim the existence of a “Local Emergency;” and to review the continuing need for such proclamation until the emergency is terminated;

WHEREAS, the Emergency Operations Center (EOC) for the City of San Pablo was activated on Monday, March 16, 2020 due to the Novel Coronavirus (“COVID-19”);

WHEREAS, 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;

WHEREAS, the Governor of California has issued several executive orders including Executive Order N-33-20 on March 19, 2020 directing all residents in the State of California stay at home except as needed to maintain continuity of operations of essential critical infrastructure sectors and as designated by the State Public Health Officer as critical to protect health and well-being of all Californians;

WHEREAS, the Federal Government has also issued Federal orders and directives in response to COVID-19;

WHEREAS, 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 additional limitations on essential services that could continue;

WHEREAS, on April 29, 2020, pursuant to Contra Costa Health Department Order No. HO-COVID19-09, the shelter-in-place order was continued until May 31, 2020;

WHEREAS, these governmental actions were taken to “flatten the curve” of the infection rate to avoid overwhelming limited medical resources, especially given the particular challenge with of a high infection rate for asymptomatic individuals; thus, creating “superspreader” events when people are in close proximity;

WHEREAS, on May 18, 2020, pursuant to Contra Costa Health Department Order No. HO-COVID19-14, the shelter-in-place order was continued although allowing some businesses to reopen under certain conditions;

WHEREAS, the Bay Area shelter-in-place order was then extended through May 31, 2020 with the current Contra Costa County Health Department Order dated June 5, 2020 extending the shelter-in-place orders, but with increasing allowance for certain businesses and other activities to occur following certain conditions, recognizing the goals of the Governor’s announcement on May 4, 2020 of a “Roadmap for Recovery”;

WHEREAS, 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

WHEREAS, on July 5, 2020, 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;

WHEREAS, on July 11, 2020, the Contra Costa Health Services Officer issued HO-COVID19-24 increasing restrictions on high risk activities and businesses due to increasing community transmissions of COVID-19, hospitalizations, illness and positivity rate;

WHEREAS, 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;

WHEREAS, on August 5, 2020, the Contra Costa Health Services issued an updated Mass Isolation Order and on August 26, 2020 issued a revised social distancing order to allow certain business sectors to begin outdoor operations in light of steadying hospitalization and COVID-19 positivity rates in Contra Costa County; and

WHEREAS, on August 28, 2020, the State issued a new Public Health Order dated August 28, 2020 effective August 31, 2020, which created a new tier system of Counties with guidance for business re-openings known as “California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Healthy and Safe;”

WHEREAS, on September 4, 2020, the County Public Health Department recognized some stabilization in the rate of COVID-19 cases and hospitalization and issued Health Order HO-COVID19-27 to reiterate social distancing, limitations on gatherings and mask requirements, but also to ease restrictions on some gatherings of children, to allow mining and logging operations and to clarify vehicle gatherings;

WHEREAS, on September 14, 2020, the County Public Health Department issued Health Order HO-COVID19-28 to align with state guidelines for personal care services, cardrooms, racetracks and professional sports without live audiences;

WHEREAS, on September 16, 2020, the County Public Health Department issued Health Order HO-COVID19-29 to align with CDC guidelines on quarantining if exposed to someone with COVID-19, including exceptions for health care workers, first responders, and critical infrastructure workers to continue working if certain conditions are met, with such guidance superseded on October 8, 2020, when the County Public Health Department issued Health Order HO-COVID19-32 to update its Mass Quarantine Order to comply with the State of California Public Health Officer's guidance on who is considered a close contact or not;

WHEREAS, on September 29, 2020, the Contra Costa Health Department announced that Contra Costa County had moved into the less restrictive red tier ("substantial" spread of COVID-19) of the State's four-tiered, color-coded reopening system. Moving into the red tier allows the following sectors can reopen with modifications:

- Places of worship, restaurants, movie theaters and museums can be operated indoors at 25% capacity or 100 people, whichever is less
- Gyms can reopen indoors at 10% capacity
- All personal care services, including massage, can move indoors
- Indoor shopping malls can operate at 50% maximum occupancy (instead of 25%).
- Indoor retail stores can now operate at 50% capacity (instead of 25%)
- Outdoor playgrounds;

WHEREAS, on October 6, 2020, the State's Blueprint for a Safer Economy includes a "health equity metric" that will also be used to determine a county's tier to ensure California reopens its economy safely by reducing disease transmission in all communities, particularly given higher COVID rates among communities of color;

WHEREAS, as of October 27, 2020, Contra Costa County moved into the orange tier with moderate infections at 4.1 cases per day per 100,000 and 1.9% positive tests; however, the positivity rate in those in the lowest health equity quartile is 3.9% (October 28, 2020);

WHEREAS 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;

WHEREAS, 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 of Emergency Services including but not limited to:

1. 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);
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;

WHEREAS, 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);
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;

WHEREAS, 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;

WHEREAS, on June 1, 2020, pursuant to Resolution No. 2020-068, 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. 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;

WHEREAS, on June 15, 2020, pursuant to Resolution No. 2020-077, 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. 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

WHEREAS, 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; and

WHEREAS, 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.

WHEREAS, the City has also established a City hotline for assistance with COVID-19 resources and questions; and

WHEREAS, 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;

WHEREAS, On September 8, 2020, pursuant to Resolution No. 2020-115, 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 Hot Zone and Employee Reporting in the Workplace" dated August 6, 2020

WHEREAS, on September 8, 2020 per Resolution No. 2020-112, the City Council confirmed an agreement with Contra Costa County to provide financial support for the COVID-19 Youth/Young Adult Ambassadors to be trained about COVID-19 and then to prepare and post messages about COVID-19 on social media;

WHEREAS, on September 8, 2020 per Resolution No. 2020-116, the City Council amended the City Council Priority Workplan to explore the feasibility of a financial assistance grant or loan program for local San Pablo businesses affected by the COVID-19 pandemic in collaboration with the San Pablo EDC (San Pablo Economic Development Corporation);

WHEREAS, on September 21 2020, pursuant to Resolution No. 2020-123, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on September 21, 2020, the City Council also adopted Ordinance 2020-010 repealing Ordinance 2020-006, which suspended automatic approval deadlines during the COVID-19 emergency. The City Council also approved Resolution 2020-124 extending the Housing Assistance Grant Program and Resolution 2020-125 creating an Ad Hoc City Council Committee to address COVID-19 issues;

WHEREAS, on October 5, 2020, pursuant to Resolution No. 2020-127, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on October 21, 2020, pursuant to Resolution No. 2020-131, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Services; and

WHEREAS, on November 2, 2020, pursuant to Resolution No. 2020-136, the City Council extended the declaration of a local emergency and confirmed the actions taken by the Director of Emergency Service since the last meeting, including but not limited to:

1. Coronavirus COVID-19 Update and Revised City Modified Operations Plan (Version #9 dated October 28, 2020)

WHEREAS, on November 2, 2020, pursuant to Resolution No. 2020-135, the City Council also authorized a one-time event sponsorship of \$3,000 for the Free COVID-19 Testing Event available to the public scheduled for Saturday, November 7, 2020; and

WHEREAS, as of November 9, 2020, there were 20,166 confirmed cases of COVID-19 in Contra Costa County, and 253 deaths. As of November 8, 2020, there were 964,639

confirmed cases of COVID-19 in California with 17,963 deaths. As of November 9, 2020, there were 9,913,553 cases of COVID-19 in the United States with 237,037 deaths;

WHEREAS, San Pablo continues to be identified as a “hot spot” with 1,718 confirmed COVID-19 cases at an increasingly high rate of 5,469 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;

WHEREAS, 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;

WHEREAS, eleven out of fifteen surveyed West Contra Costa County businesses indicated staff reductions in the 75-100% range, with layoffs and revenue losses hitting low-wage workers the hardest with impacts in the following industries: food and beverage; retail and personal services; hospitality/leisure/entertainment;

WHEREAS, many San Pablo residents have experienced job loss or reduced hours due to COVID-19 and shelter-in-place orders;

WHEREAS, 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, with nearly 3.7 million Californians filing for unemployment during the first six weeks of COVID-19 pandemic and the nation seeing the highest level of unemployment in 70 years;

WHEREAS, 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;

WHEREAS, it was reported in the LA Times on August 21, 2020 that California’s unemployment rate is at 13.3% with 3 million on unemployment and 202,136 new claims in the week prior to the article. Contra Costa County’s rate is 14.5% with 77,600 unemployed individuals;

WHEREAS, 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. In addition, 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;

WHEREAS, 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);

WHEREAS, on October 21, 2020, pursuant to Resolution 2020-133, the City Council established and approved program guidelines for the San Pablo “Back to Business” COVID-19 Relief Fund to offer forgivable loans to small businesses with the San Pablo Economic Development Corporation administering the program with funds that were reallocated from the City’s Community Grant Foundation program;

WHEREAS, the City of San Pablo is losing \$2.34 million in revenue for each month that Casino San Pablo is closed due to the shelter-in-place orders, in addition to \$1.3 million every month from other City revenue sources, forcing a hiring freeze, suspension of all non-essential spending and layoff of part-time employees;

WHEREAS, the economic recovery from COVID-19 and its impacts are estimated to be in terms of years not months;

WHEREAS, in addition, the nation is experiencing civil unrest in the wake of the death of George Floyd while detained by a Minneapolis police officer on May 25, 2020, which has led to peaceful protests, but also to some rioting and looting in neighboring communities in violation of shelter-in-place and social distancing orders that could further exacerbate the spread of COVID-19 and placing additional demands on public safety resources, which are already taxed by COVID-19 issues;

WHEREAS, 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;

WHEREAS, 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;

WHEREAS, the City Manager/Director of Emergency Services recommends that the City Council extend the declaration of a local emergency and confirm the actions taken by the Director of Emergency Services since November 2, 2020; and

WHEREAS, the City Council of the City of San Pablo hereby finds conditions of extreme peril to the health and safety of persons and property have continued within the City of San Pablo caused by COVID-19 including not only health impacts but economic impacts with many residents having jobs eliminated or hours reduced, as well as impacts to the City’s own financial condition; these conditions are or are likely to be beyond the

control of the services, personnel, equipment, and facilities of the City of San Pablo and require the combined forces of other political subdivisions to combat; and these conditions are of such extreme peril to warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Pablo that:

1. A local emergency continues to exist throughout the City of San Pablo commencing on or about 7:00 am on Monday, March 16, 2020 and shall be deemed to continue to exist until its termination is proclaimed by the City Council of the City of San Pablo;
2. All actions taken by the Director of Emergency Services and City Manager in response to this local emergency are confirmed, including but not limited to:
 - CORONAVIRUS COVID-19 UPDATE AND REVISED CITY MODIFIED OPERATIONS PLAN (Version #9 dated October 28, 2020); and
3. During the existence of said local emergency, the Director of Emergency Services and the Emergency Organization of the City shall continue to have the duties and responsibilities as set forth in Resolution 2020-034; and
4. Within the next thirty (30) days, a report on the most recent conditions of emergency and disaster shall be presented to this City Council so that this City Council may determine whether conditions of emergency and disaster still exist.

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ADOPTED this 16th day of November 2020, by the following votes:

AYES:	COUNCILMEMBERS:	Kinney, Pineda, Xavier, Pabon-Alvarado and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:	APPROVED:
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/s/ LaTanya Fisher
LaTanya Fisher, Acting Deputy City Clerk

/s/ Arturo M. Cruz
Arturo M. Cruz, Mayor