



Item No. 5 Town of Atherton

CITY COUNCIL STAFF REPORT – MANAGER’S REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: MARCH 25, 2020

**SUBJECT: CITY MANAGER’S REPORT
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 review and discuss this report; certify the continuing emergency, and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

BACKGROUND/ANALYSIS

COVID-19 has resulted in a plethora of changes across a spectrum of service delivery industries; local government included. Early into the pandemic (February 27, 2020), the County of San Mateo began taking proactive action, in collaboration with other Bay Area Counties, and directed various responses mandating changes based on pandemic response protocols. 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 (presently April 7). 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 have 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 Park 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 City Council will be meeting weekly to certify the continuing emergency and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.

With respect to residential construction activity. At this time, residential construction is either under review or prohibited in Menlo Park, Portola Valley and Woodside. Many communities are evaluating construction projects and imposing limitations based on available resources for inspection services, as well as their ability to protect the health and safety of the inspectors and the general public.

The Town has 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 anticipates 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.

Fundamental Town services continue to operate but do so incorporating social distancing protocols that will limit in-person public contact. The underlying fabric of services continue - police, fire, emergency response, enforcement, water, sewer, inspection services, etc. - and will continue to be provided by the respective servicing entities. But, in-person public contact will be minimized and moved to electronic or telephonic communication systems wherever possible. Staff will be shifted to remote access when feasible. Most programs, services, and meetings are postponed or cancelled. Details and protocols are subject to being ramped up or down based on staffing availability and expansion of COVID-19 emergent issues.

It is anticipated that the April 7 Shelter-in-Place Order will be extended. Moving forward, staff is working to develop a plan for processing some of the Town's essential activities, such as review and approval of the FY 2020/21 Budget, maintenance and improvements to critical infrastructure (streets, drainage, facilities, etc.), and construction of the Town Center. Staff is also looking forward and preparing an analysis of short- and long-term fiscal impact to the Town's revenue and expenditure projections.

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 review and discuss the preceding; certify the continuing emergency, and ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19.