



Item No. 11 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: GEORGE RODERICKS, CITY MANAGER

DATE: JULY 21, 2021

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

RECOMMENDATION

It is recommended that the Council –

- 1) Certify the continuing emergency, ratify such rules and regulations enacted by the Director of Emergency Services in response to COVID-19, and provide that the certification of continuing emergency automatically terminates upon the State of California's lifting of the COVID-19 Emergency Declaration.
- 2) Provide direction regarding a return to in-person meetings and vaccination requirements.

BACKGROUND | ANALYSIS

The City Council last met on June 16, 2021 and certified the continuing emergency and ratified such rules and regulations enacted by the Director of Emergency Services in response to COVID-19. The State is no longer in the Tiered System but has instead begun a Blueprint for Reopening process.

Employers are subject to the CalOSHA COVID-19 Prevention Emergency Temporary Standards (ETS), if applicable. The requirements and recommendations under the State Guidance will remain in place from June 15 through October 1. The State will assess conditions by September 1, 2021 and determine whether updated requirements or recommendations are needed beyond October 1, 2021.

Staff recommends continuation of the Certification of Continuing Emergency until such time as the State lifts its Emergency Declaration. Maintaining the local certification will ensure that any actions that the Town takes in response to a local COVID-19 Outbreak (organization or community) qualify for financial reimbursement under State OES and FEMA guidance.

Guidance for Return to In-Person Meetings

The relaxation of the Brown Act for remote participation ends on September 30. At the present time, staff anticipates a return to normal, in-person meetings beginning September 1 with the City Council Study Session at 4 pm. Construction at the Town Center *may not allow* the Town to use the Council Chambers; and meetings may need to resume at the Pavilion. It is anticipated that meetings could begin in the Council Chambers sometime during the month of September, but that timing cannot be guaranteed.

It was anticipated that a return to in-person meetings would occur in September and that the new Council Chambers would be operational at that time. Therefore, staff did not expend resources to update the Pavilion with audio-visual technology sufficient to accommodate hybrid Zoom/In-Person meetings. Staff focused on ensuring that the new buildings *could* accommodate that eventuality.

Staff recommends that the Council return to normal in-person meetings on September 1 in the Pavilion (or new Chambers if completed) and allow Council to participate remotely via phone if in the Pavilion or via zoom hybrid, if possible, in the Council Chambers. Unvaccinated individuals attending would be required to wear appropriate face-coverings. Alternatively, the Council (and junior legislative bodies) could remain in full Zoom mode through the month of September.

If the Council returns to in-person meetings, staff would like direction on the start time for Regular Council Meetings. As the Council may recall, the start time was shifted from 7 pm to 6 pm. The Council could opt to leave the meetings to begin at 6 pm or return to the prior start time.

Guidance for Vaccination Requirements

It was noted that under CDC Guidance, all non-vaccinated individuals are required to wear face coverings. The Town requires this of its staff as well as the public entering facilities. The Town assessed the vaccination status of staff and found that there were staff that have opted not to obtain a vaccination and/or decline to state their status with respect to vaccination. These staff are required to wear face coverings.

It was also noted that the Town *could* require that all employees get COVID-19 vaccinations. Those that choose not to get vaccinated must provide a qualifying justification – medical, religious, or vaccination status (emergency FDA provision). Employees that provide such justification must be offered a reasonable accommodation. That reasonable accommodation is the requirement that the employee wear a face covering. The bulk of our staff are public facing and do not have positions that will allow them to work in areas where they are *not* public facing. For example, we do not have desk-only police officers.

The state of the law with respect to vaccinate or terminate employment is subject to legal challenge. Because the Town already requires non-vaccinated staff to wear face coverings, the reasonable accommodation under the law, staff recommends that the Town not require vaccinations but instead strictly enforces the face covering requirements.

FISCAL IMPACT

The Certification of Continuing Emergency will continue until such time as the State has lifted its emergency status. This is anticipated to occur in October 2021. The Certification of Continuing Emergency allows the Town to track expenditures related to the emergency and ensure that they qualify for reimbursement under State and Federal funding mechanisms.

POLICY FOCUS

Policy issues are limited to the continuing emergency.

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 provides (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

None.