

Agenda

MEETING OF THE CITY COUNCIL

FRIDAY, MARCH 20, 2020, 9:00 AM

Special City Council Meeting

Pursuant to GC 54956 (a) & 54956.5

City Council Chamber

1 Civic Center Drive

San Marcos, CA 92069

Pursuant to Governor Newsom's Executive Order N-25-20: Members of the San Marcos City Council and staff may participate in this meeting via a teleconference. In the interest of reducing the spread of COVID-19, members of the public are encouraged to submit comments via email by 8:00 am on March 20, 2020. Those attending the meeting in person will be required to maintain appropriate social distancing.

Public Comment: To submit a comment in writing, please email pscollick@san-marcos.net and write "Public Comment" in the subject line. In the body of the email, include the item number and/or title of the item as well as your comments. If you would like the comment to be read out loud at the meeting (not to exceed five minutes), please write "Read Out Loud at Meeting" at the top of the email. All comments received by 8:00 am will be emailed to the City Council members and included as "Supplemental Information" on the City's website prior to the meeting. Those comments received after 8:00 am will be added to the record and shared with the City Council members at the meeting.

Americans with Disabilities Act: If you need special assistance to participate in this meeting, please contact the City Clerk at (760) 744-1050, ext. 3105.

Agendas: Agenda materials are available for public inspection at the time materials or documents are distributed to the City Council. Agenda related documents can be obtained at the City Clerk Department located on the second floor of City Hall, 1 Civic Center Drive, San Marcos, during normal business hours or visit the City's website at www.san-marcos.net as time permits.

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT - Speakers are limited to five minutes. Please complete a "Request to Speak" form and place in basket provided.

NEW BUSINESS AND ORDINANCE

1. RESOLUTION NO. 2020-8745 - RATIFICATION OF CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES PROCLAMATION OF A THE EXISTENCE OF A LOCAL EMERGENCY (COVID-19)

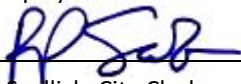
Recommendation: APPROVE resolution ratifying City Manager/Director of Emergency Services Proclamation of a the Existence of a Local Emergency (COVID-19)

ADJOURNMENT

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF SAN MARCOS)

I, Phillip Scollick, City Clerk of the City of San Marcos, hereby certify that I caused the posting of this agenda in the glass display case at the north entrance of City Hall on Wednesday, March 18, 2020, at 5:00 pm.



Phillip Scollick, City Clerk



AGENDA REPORT

Meeting of the San Marcos City Council

MEETING DATE: March 20, 2020

SUBJECT: **RESOLUTION NO. 2020-8745** - Ratification of City Manager/Director of Emergency Services Proclamation of a the Existence of a Local Emergency (COVID-19)

Recommendation

APPROVE resolution ratifying City Manager/Director of Emergency Services Proclamation of the Existence of a Local Emergency (COVID-19).

Board or Commission Action

Not Applicable

Relevant Council Strategic Theme

Dynamic and Responsive Service Delivery

Relevant Department Goal

Not Applicable

Introduction

On January 31, 2020, the United States Department of Public Health Human Services Secretary declared a public emergency for the novel coronavirus (COVID-19).

On February 14, 2020, San Diego County declared a local health emergency and proclaimed a local emergency regarding COVID-19 which was ratified and extended by the San Diego County Board of Directors on February 19, 2020.

On March 4, 2020, Governor Gavin Newsome declared a state of emergency in the State of California due to COVID-19.

Discussion

Subsequent to the declarations above, the federal, state and county governments have issued a series of regulatory actions and recommendations/guidance for how the public, including municipal entities, should



behave and adjust their business practices to comply with the regulatory changes and implement the recommended guidance.

The series of these directions have significantly affected the ability of the City carry out its normal business functions. In addressing these matters, the City has significantly downgraded its capacity to carry out its normal business functions with the exception of public safety services which are continuing to be provided at the service level they were delivered at prior to the various declarations listed above.

As the guidance and direction the city and the public received and changed in some cases on an hourly basis in the past few weeks, it became clear that the City needed to follow suit and declare a local emergency so that it could have the flexibility to modify its business activities, continue to deliver essential services and try to maintain some semblance of non-essential service delivery through alternative business practices.

On Monday, March 16, 2020 the City Manager, acting in his capacity as Director of Emergency Services, Issued the attached Proclamation of the Existence of a Local Emergency (COVID-19).

The San Marcos Municipal Code requires that should the Director of Emergency Services proclaim a local emergency that the City Council must ratify said proclamation within seven (7) days. The Municipal Code further requires the Director of Emergency Services designate an order of succession to that office, to take effect in the event the Director is unavailable to perform his duties. That order of succession is as follows:

1. Jack Griffin, Director of Emergency Services
2. Matt Little, Deputy City Manager
3. Michelle Bender, Deputy City Manager
4. Dan Barron, Fire Chief

It is expected that the duration of the local emergency will be at least several weeks in length and potentially longer. The City will continue to follow the guidance of federal, state and county government and we expect that we will not bring forward a City Council item proclaiming the emergency to be over until those levels of government have provided that guidance.

Environmental Review

This action is exempt from CEQA.

Fiscal Impact

The ratification of the local emergency in and of itself does not have a fiscal impact with the exception of potentially making it possible to recover our costs, or a portion thereof, in responding to the emergency.



The local emergency itself has the potential to have significant impact to the City’s budget, particularly with respect to budgeted revenues for rent/use of property, sales tax and charges for services. While we may recover actual costs that we incur in addressing the emergency situation, it is unclear at this point whether we will see any relief from those lost revenues. How much revenue we lose is entirely dependent on duration of the emergency and its impact on the local business community moving beyond the emergency. We are working with the most impacted elements of our business community to try to assist them to weather this situation as best we can.

With respect to employee compensation, at this point we are moving forward on a pay period by pay period basis in terms of maintaining normal employee compensation. A significant portion of the “office” staff is not reporting for work, though many of them have been provided with the tools to carry out at least some of their work from home. We are maintaining a small contingent of staff in our facilities that are attempting to maintain basic levels of service. Should this emergency situation continue for an extended period of time, we may need to revisit the issue of employee compensation. Given the changing nature of the emergency and the frequently evolving direction and guidance we are receiving from higher levels of government, it is not really possible to know for sure how and when we may need to change direction.

Attachments

Resolution

Proclamation of the Existence of a Local Emergency

Prepared by: Jack Griffin, City Manager/Director of Emergency Services

Approved by: Jack Griffin, City Manager/Director of Emergency Services

RESOLUTION NO. 2020-8745

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS
CONFIRMING THE EXISTENCE OF A LOCAL EMERGENCY (COVID-19)
PROCLAIMED BY THE CITY MANAGER/DIRECTOR OF EMERGENCY
SERVICES

WHEREAS, the California Emergency Services Act, including, but not limited to, Government Code section 8630, and San Marcos Municipal Code Chapter 2.28 empowers the Director of Emergency Services/City Manager to proclaim a local emergency if the City Council is not in session, and requires that the City Council take action to ratify the proclamation within seven (7) days; and

WHEREAS, the novel coronavirus (COVID-19) is a respiratory disease that may result in serious illness or death, and is easily transmissible from person to person; and

WHEREAS, January 31, 2020, the United States Department of Public Health Human Services Secretary Alex Azar declared a public emergency for COVID-19 beginning on January 27, 2020; and

WHEREAS, on February 14, the County of San Diego declared a local health emergency and proclaimed a local emergency to deal with COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California as a result of the threat of COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a pandemic; and

WHEREAS, on March 12, 2020, Governor Newsom issued Executive Order N-25-20 exercising authority under the Emergency Services Act, Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19, and

WHEREAS, on March 12, 2020, the Health Officer of the County of San Diego issued an order prohibiting gatherings of 250 or more people in any space or room at the same time effective Friday, March 13, 2020 and continuing until 11:59 p.m. on March 31, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency in response to the novel coronavirus (COVID-19) pandemic; and

WHEREAS, on March 15, 2020, Governor Newsom issued guidelines to further contain the spread of the coronavirus (COVID-10), in which he urged seniors sixty-five (65) and older and persons with chronic health conditions to isolate themselves during the coronavirus pandemic, as well as the closure of bars, wineries, nightclubs and brew pubs, and Los Angeles Mayor Eric Garcetti imposed the closure of gyms, movie theaters, bowling alleys and arcades in that city, as well as a prohibition against anything other than pickup, delivery, and drive-through service at restaurants; and

WHEREAS, the CDC issued guidance as of March 15, 2020, to the effect that in-person events consisting of fifty (50) persons or more should be canceled for the next eight (8) weeks, and that gatherings of more than ten (10) persons for organizations that serve higher-risk populations should be canceled; and

WHEREAS, on March 16, 2020, the Health Officer of the County of San Diego issued an Amended Order and Emergency Regulations, which prohibited gatherings of 50 or more persons in a single room or space at the same time, and which provided for the closure of all bars and entertainment establishments, prohibited all on-site dining, and limited restaurants and food service providers to take out, drive-through or delivery

WHEREAS, as of March 17, 2020, San Diego County has increased to sixty (60) cases which have tested presumptive positive for COVID-19, and the number is expected to increase; and

WHEREAS, California Government Code, Title 2, Division 1, Chapter 7.5, and Title 19, Chapter 6 of the California Code of Regulations, comprise the California Disaster Assistance Act (CDAA) and implementing regulations, which provide that, with the proclamation of a Local Emergency the City may seek financial assistance, and may request reimbursement of the significant expenses incurred during response, if the Director of the California Office of Emergency Services concurs, or the Governor issues a state of emergency proclamation; and

WHEREAS, on March 16 2020, the City Manager, acting in his capacity of Director of Emergency Services of the City, did proclaim the existence of a Local Emergency related to COVID-10 within the City, and activated the San Marcos Emergency Operations Center on that date; and

WHEREAS, the City of San Marcos (City) is currently operating with personnel performing tasks essential to the conduct of City business at a minimal level, as the emergency and associated identification of vulnerable members of the population and social distancing and sheltering in place requirements have limited the numbers of personnel available to perform the City's ongoing tasks and obligations, and

WHEREAS, the City is in receipt of Public Records Act Requests and development entitlement and other applications which have deadline dates associated with them, and further is involved in pending litigation matters which also have deadlines and other dates imposed by reason of such participation; and

WHEREAS, the efforts required to prepare for, respond to, mitigate, and recover from, the emergency conditions caused by COVID-19 have imposed or will impose extraordinary requirements and expense on the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Marcos, as follows :

1. The foregoing recitals are true and correct and are incorporated herein as though set forth in full at this point.
2. The Proclamation of Local Emergency, as issued by the Director of Emergency Services on March 16, 2020, and all actions taken by the Director of Emergency Services in response to this Local Emergency are hereby ratified and confirmed.
3. The City Council has reviewed the need for continuing the proclamation of local emergency and finds, based on substantial evidence, that the public interest and necessity require the continuance of the proclamation of local emergency related to COVID-19, as the associated emergency conditions are ongoing and the emergency should not be terminated at this time.
4. Said local emergency shall be deemed to continue to exist until terminated by the City Council of the City of San Marcos.
5. The Director of Emergency Services is hereby directed to report to the City council at least every thirty (30) days until termination is proclaimed by the City Council pursuant to Government Code section 8630.

6. During the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services and the emergency organization of this City shall be those prescribed by the laws of the State of California, including but not limited to Government Code Section 8634, by the City's Charter, and by the ordinances and resolutions of the City, including the City of San Marcos Emergency Plan.
7. During the existence of said Local Emergency, the City shall follow and impose all directives, mandates, Executive Orders, and any other emergency-related restrictions issued by the State of California and/or the County of San Diego, including any and all social distancing recommendations, as they may be further revised by applicable authorities.
8. Until further notice, all non-essential City facilities with a capacity of 50 or more people are closed to the public, and all non-essential City sponsored events are canceled or postponed to a future date.
9. The excessive price gouging and increase prohibitions of sections 2.29.040 – 2.29.050, and in Chapter 2.29 (Emergency Price Controls) of the San Marcos Municipal Code are activated and will be enforced.
10. Because personnel who are not essential to the conduct of City business at a minimal level are being required to shelter in place, the City will be unable to timely respond to requests for public records or to meet other local, state, and/or federal timelines and requirements as they arise during the course of the Local Emergency including, but not limited to, development entitlement processing under the Permit Streamlining Act and/or FCC timelines for action on wireless applications, as well as civil discovery and other litigation deadlines. The City considers any such deadlines to be tolled during the period in which such employees are required to shelter in place. The City Manager, who has the authority and obligation to manage personnel and facilities during normal City operations, is hereby provided with enhanced authority beyond that delineated in the San Marcos Municipal Code as he deems necessary during the course of the Local Emergency, to extend deadlines for performance of obligations under the Public Records Act, the Permit Streamlining Act, FCC wireless facility application timelines, discovery deadlines and other requirements applicable to pending civil litigation matters, and/or any other similar local, state, and/or federal

timelines and/or requirements, given the existing Local Emergency, the lack of personnel to perform such activities, and the necessity of directing remaining personnel to the performance of tasks and services essential to the ongoing operations of the City.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS at a regular meeting held on the ___th day of _____, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Rebecca D. Jones, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos