



SPECIAL MEETING AGENDA

Date: 4/7/2020

Time: 6:00 p.m.

Closed Session Location: Teleconference

Special Session Location: [GoToWebinar.com](https://www.gotowebinar.com) – ID# 558-021-217

NOVEL CORONAVIRUS, COVID-19, EMERGENCY ADVISORY NOTICE

On March 19, 2020, the Governor ordered a statewide stay-at-home order calling on all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act. For the duration of the shelter in place order, the following public meeting protocols will apply.

Teleconference meeting: All members of the City Council, city staff, applicants, and members of the public will be participating by teleconference. To promote social distancing while allowing essential governmental functions to continue, the Governor has temporarily waived portions of the open meetings act and rules pertaining to teleconference meetings. This meeting is conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020, and supplemental Executive Order N-29-20 issued March 17, 2020.

- How to participate in the meeting
 - Submit a written comment online: [menlopark.org/publiccommentApril7](https://www.menlopark.org/publiccommentApril7) *
 - Record a comment or request a call-back when an agenda topic is under consideration: Dial 650-474-4071 *
 - Access the meeting real-time online at: [joinwebinar.com](https://www.joinwebinar.com) – Meeting ID 558-021-217

*Written and recorded public comments and call-back requests are accepted up to 1 hour before the meeting start time. Written and recorded messages are provided to the City Council at the appropriate time in their meeting. Recorded messages may be transcribed using a voice-to-text tool.

- Watch special meeting:
 - Cable television subscriber in Menlo Park, East Palo Alto, Atherton, and Palo Alto: Channel 26
 - Online: [menlopark.org/streaming](https://www.menlopark.org/streaming)

Note: City Council closed sessions are not broadcast online or on television and public participation is limited to the beginning of closed session.

Subject to Change: Given the current public health emergency and the rapidly evolving federal, state, county and local orders, the format of this meeting may be altered or the meeting may be canceled. You may check on the status of the meeting by visiting the City's website www.menlopark.org.

According to City Council policy, all regular meetings of the City Council are to end by midnight unless there is a super majority vote taken by 11:00 p.m. to extend the meeting and identify the items to be considered after 11:00 p.m.

Closed Session (Teleconference)

- A. Call To Order**
- B. Roll Call**
- C. Closed Session**

Public Comment on these items will be taken before adjourning to Closed Session.

- C1. Public employment (Gov. Code section 54957.)
City attorney recruitment

Special Meeting ([GoToWebinar.com](https://www.go2webinar.com) – ID# 558-021-217)

- D. Call To Order**
- E. Roll Call**
- F. Study Session**

- SS1. City Council priorities and status of City operations ([Staff Report #20-072-CC](#))

G. Consent Calendar

- G1. Accept the City Council meeting minutes for March 11, 2020 ([Attachment](#))

H. Regular Business

- H1. Update and consideration of resources available to small businesses impacted by COVID-19 ([Staff Report #20-070-CC](#))
- H2. Consideration and discussion of COVID-19 City responses ([Staff Report #20-071-CC](#))
- H3. Consider Resolution No. 6553 affirming Menlo Park's commitment to values of equity, fairness, and justice in responding to COVID-19 ([Staff Report #20-069-CC](#))

I. City Manager's Report

J. City Councilmember Reports

K. Adjournment

At every regular meeting of the City Council, in addition to the public comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right

to directly address the Council on any item listed on the agenda at a time designated by the chair, either before or during the City Council's consideration of the item.

At every special meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the chair, either before or during consideration of the item. For appeal hearings, appellant and applicant shall each have 10 minutes for presentations.

If you challenge any of the items listed on this agenda in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Menlo Park at, or prior to, the public hearing.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available by request by emailing the city clerk at jaherren@menlopark.org. Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at menlopark.org/agenda and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 4/3/2020)



SPECIAL MEETING AGENDA MINUTES – DRAFT

Date: 3/11/2020
Time: 5:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

Special Session

A. Call To Order

Mayor Taylor called the meeting to order at 5:12 p.m.

B. Roll Call

Present: Carlton, Combs, Mueller, Nash, Taylor
Absent: None
Staff: City Manager Starla Jerome-Robinson, Interim City Attorney Cara Silver, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Taylor led the Pledge of Allegiance.

D. Presentations and Proclamations

D1. Presentation: City response to novel coronavirus (COVID-19)

City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, and Deputy City Manager Justin Murphy made the presentation.

ACTION: Motion and second (Mueller/ Carlton) to add urgency Resolution No. 6550 to the agenda for consideration and action, passed unanimously.

City Councilmember Mueller exited the chambers at 5:50 p.m.

- Lynne Bramlett spoke in support of the urgency and seriousness of the COVID-19 pandemic and the need to focus on seniors, homeless, and disabled persons.
- Pamela Jones spoke in support of the information released by City Council and staff and the option of online meeting participation. Jones also suggested ways to lessen the spread of COVID-19.
- Peter Carpenter spoke on concerns of the regional effects of COVID-19.
- Ian Danforth provided data on COVID-19.

City Councilmember Mueller reentered the chambers at 6:02 p.m.

The City Council discussed approaches to scaling down city services, deep cleaning of facilities, and cancellation of all advisory body meeting (with the exception of City Council and Planning Commission). The City Council received clarification on the Brown Act legislation, Senate Bill 330

projects and timelines, and directed staff to immediately suspend all non-essential city services, with the exception of childcare and senior center on Monday.

- Peter Carpenter spoke in support of delegating the city manager to close non-essential/emergency services.

ACTION: Motion and second (Carlton/ Taylor) to approve urgency Resolution No. 6550, passed unanimously (Attachment).

The City Council discussed future consideration of an eviction moratorium.

E. Adjournment

Mayor Taylor adjourned the meeting at 7:16 p.m.

Judi A. Herren, City Clerk

RESOLUTION NO. 6550

**URGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY
ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND FURTHER
PROCLAIMING THE CONTINUED EXISTENCE OF THE EMERGENCY**

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park authorizes the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim a local emergency when the City is threatened by conditions of a disaster or extreme peril to safety persons and property with the City that are likely to be beyond the control of the services, personnel, equipment and facilities of the City and require the combined forces of other political subdivisions to combat and the City Council is not in session; and subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, on March 11, 2020, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19 and the Director's March 11, 2020 proclamation is Exhibit A to this resolution; and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

NOW, THEREFORE, the City Council of Menlo Park does hereby:

1. Ratify and confirm the proclamation of existence of a Local Emergency, as issued by the Director of Emergency Services for the City of Menlo Park, as attached in Exhibit A, and a Local Emergency now exists throughout the City of Menlo Park, California;
2. During the existence of this Local Emergency, the Director of Emergency Services shall have the authority to adopt emergency orders or regulations to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency;
3. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services and the City Council shall be those prescribed by state law, by the existing ordinances and resolutions of the City Council as well as this resolution and any subsequent emergency orders or regulations adopted by the City Council or Director of Emergency Services.
4. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government 5 Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the City Council.

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eleventh day of March, 2020, by the following votes:

||

||

AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City
on this eleventh day of March, 2020



Judi A. Herren, City Clerk

PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MENLO PARK

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park empowers the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim the existence or threatened existence of a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, and the City Council is not in session; subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, the Director hereby finds conditions of extreme peril to the safety of persons and property have arisen within the City due to the following:

The Centers for Disease Control and Prevention has stated that a novel coronavirus named "COVID-19" is a serious public health threat, based on current information.

The County of San Mateo's Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County. The Health Officer further clarified that implementation of activities prescribed in his statement March 5, 2020, is now critical; and

WHEREAS, implementation of the Health Officer's direction may have immediate or future impacts on the City's ability to provide services to the community as follows:

Urgent modification to City services, including temporary closure of the Menlo Park Senior Center, cancellation of upcoming non-essential City sponsored events and meetings, temporary suspension of all employee travel, and increase telework by city employees; and

Additional service impacts such as temporary closure of the following facilities and/or temporary cancellation of programs and services impacting the Arrillaga Family Recreation Center, Arrillaga Family Gymnastics Center, Arrillaga Family Gymnasium, Belle Haven after school program, Belle Haven Child Development Center, Belle Haven Pool, Burgess Pool, Menlo Children's Center, Onetta Harris Community Center, main library, branch library, and city hall including planning and building services; and

Reassignment of available staff to deliver the following essential services necessary to protect life and property of the Menlo Park community: police patrol, police dispatch and records, potable water to Menlo Park Municipal Water customers, emergency building inspections, public works emergency response, public information and City Council support, and the internal services necessary to support essential services including payroll, accounts payable, procurement, information technology, and critical fleet maintenance; and

Reassignment of staff may impair ability to make progress on City Council priorities and work plan and comply with mandated state and federal reporting; and

WHEREAS, the economic impact of COVID-19 is projected to cause significant reductions in City transient occupancy tax, sales tax, property transfer tax, permits and licenses, and fees for service revenues; and

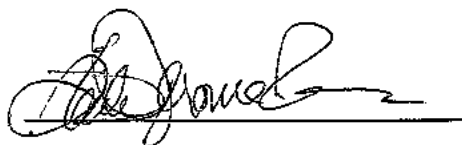
WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn; the commitment to meet and confer in good faith shall not impede the City's ability to protect life and safety of the Menlo Park community; and

WHEREAS, That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency;

NOW, THEREFORE, the Director of Emergency Services does hereby proclaim:

1. The existence of a local emergency within the City of Menlo Park on the eleventh day of March, 2020 and;
2. That during the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the City in order to mitigate the effects of said Local Emergency, and
3. That the Local Emergency shall be deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the City Council, until its termination is proclaimed by the City Council of the City of Menlo Park.

Dated:



Director of Emergency Services



STAFF REPORT

City Council

Meeting Date:

4/7/2020

Staff Report Number:

20-070-CC

Regular Business:

Update and consideration of resources available to small businesses impacted by COVID-19

Recommendation

Consider and provide feedback on the resources available to small businesses impact by COVID-19.

Policy Issues

Economic vitality is important to the social and fiscal health of a City. The City's primary commercial corridors are along El Camino Real and the downtown, which are characterized by a variety of small businesses that serve our community and adjacent neighboring jurisdictions with needed goods and services. There are also scattered small businesses in the northeastern portion of the City that have elevated importance given the high density of residential surrounding them. The City Council has an interest in maintaining the economic strength of the City and helping local small businesses during these challenging times.

Background

On March 16, San Mateo County Health Officer Dr. Scott Morrow and six other Bay Area health officers issued a unified order for residents to stay at home and limit activity to slow the spread of COVID-19 until April 7. In addition, nonessential businesses were directed to close. Among businesses deemed essential were food retailers, such as grocery stores and convenience stores; gas stations; banks; and necessary supply and repair businesses. That order has since been extended to May 3, with additional restrictions on travel and business activity.

This order has had a significant impact on local businesses. Many retailers and restaurants have been forced to drastically reduce service hours or suspend operations entirely. The prospects of paying employees and rent while bringing in little to no revenues has put many small-business owners in a difficult position. Many businesses would be unlikely to survive without financial assistance.

Analysis

In recognition of the problems faced by small businesses, there have been efforts at the Federal, State, and County level to support small businesses and give them the opportunity to remain solvent through the COVID-19 crisis and prevent irreparable damage to the local economy. This staff report provides an overview of some of the key programs that are available to small businesses affected by COVID-19. While this is not an exhaustive list and there will likely be updates as times change, staff hopes this will be a resource for small businesses to navigate through these unsettling times.

Paycheck protection program

The paycheck protection program (PPP) (Attachment A) is the portion of the federal stimulus bill or Coronavirus Aid, Relief and Economic Security (CARES) Act designated for small businesses that was signed into law by the president March 27. The program, administered by the Small Business Administration (SBA,) will make \$349 billion available to small businesses in the form of forgivable loans intended to alleviate cash flow problems related to COVID-19. A business can borrow up to 2.5 times their average monthly costs but no more than \$10 million and the funds can be used for payroll, health care benefits, mortgage/rent, utilities, and interest on previous debt obligations. The loan can cover expenses dating back to February 15 to June 30. Additionally, all loans under this program will have the following identical features:

- Interest rate of 1 percent
- Maturity of two years
- First payment deferred for six months
- One hundred percent guarantee by SBA
- No collateral
- No personal guarantees
- No borrower or lender fees payable to SBA

One key provision of the PPP is that the loans are forgivable after an eight-week period if the funds were used for the expenses listed above and the business maintains their average monthly number of full-time equivalent employees (FTEs) at a level equal or above the average monthly number of FTEs during the previous 1-year period. The amount forgiven will be reduced in proportion to any reduction in the number of employees retained and if any wages were reduced by more than 25 percent. Businesses that have already made significant reductions in their workforce before the availability of these funds will not be penalized if they rehire before June 30. Finally, SBA is anticipating that at least 75 percent of a loan needs to be used for payroll costs for a business to have their loan fully forgiven due to the high levels of subscription expected. This provision allows these loans to effectively become grants to small businesses as long as they refrain from workforce reductions.

A sample loan application is included as Attachment B. While some banks and credit unions are currently already accepting such applications, the majority of lenders should begin accepting applications in the near future.

Economic injury disaster loan program

Another source of funds from the SBA are the disaster loans made available under the economic injury disaster loan program (Attachment C). These funds have been available since March 16, 2020. Similar to the PPP loans, disaster loans are low-interest (3.75 percent for businesses) and require a demonstration that your business was economically affected by COVID-19. However, there are a few important distinctions:

- Less restrictions on use of funds
- May require collateral
- Need to have no other source of credit
- Cannot be forgiven

While these loans were some of the first disaster funding made available to businesses, they are likely not as attractive as the forgivable loans available under the PPP or the grants from the San Mateo County Strong fund.

San Mateo County Strong fund

On March 24, 2020, the county of San Mateo board of supervisors established the San Mateo County Strong fund (SMC Strong) to assist individuals, families, nonprofits and small businesses that have been adversely affected by the COVID-19 outbreak. The County allocated \$3 million to SMC Strong from Measure K funds. Additionally, individuals and other entities may make tax deductible contributions to the fund.

SMC Strong has not yet begun distributing funds to affected small businesses. The County has asked the San Mateo County Economic Development Agency (SAMCEDA) to develop a process for distribution. This process should be presented April 7, at the board of supervisors meeting. In the meantime, SAMCEDA has been working with both the City and the Menlo Park Chamber of Commerce for input on the distribution process as well as surveying small businesses about the impacts on their operations and finances. This survey garnered responses from over 900 businesses in the County and 64 businesses in the City. The grants from SMC Strong are expected to be a key source of support for local small businesses.

SAMCEDA and Menlo Park Chamber of Commerce efforts

In addition to their efforts with SMC Strong, SAMCEDA has taken the lead in compiling resources for the cities within San Mateo County. Their list of business resources has been an invaluable resource for businesses and the City as well. That list has evolved into a business continuity action plan (Attachment D) that has summarized measures that businesses can take to weather the short-term reduction in revenues as well as listing financial resources available.

The Menlo Park Chamber of Commerce has also been important player in gathering data and disseminating information. The Chamber compiled a list of restaurants in the City that indicates if the restaurant is open for business and the hours of operation (Attachment E.) As a result of that work, the county of San Mateo with the help of the City has populated a GIS map named Zonehaven (Attachment F) that lists the operational status and hours for medical, social services, food-serving, and park locations within Menlo Park.

Other resources

While the financial resources listed above have been identified as some of the better options for businesses at the moment, it is not an exhaustive list. More sources of financial assistance are likely to open up throughout the duration of the COVID-19 crisis. SAMCEDA's list of business resources (Attachment G) continues to be the first place a business should look for updates and information on resources.

Commercial eviction ordinance

Before adoption of these programs, some cities were considering commercial eviction moratorium ordinances. On April 7, the county of San Mateo is scheduled to consider such an ordinance for unincorporated county areas and the City of San Mateo has already adopted one. The City Council may want to discuss whether such an ordinance is necessary in Menlo Park at this time.

Impact on City Resources

There is no impact on City resources.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Hyperlink – PPP webpage: sba.gov/funding-programs/loans/paycheck-protection-program-ppp
- B. Hyperlink – SBA disaster loans webpage: covid19relief.sba.gov/#/
- C. PPP application
- D. SAMCEDA COVID-19 business continuity action plan
- E. Hyperlink – Menlo Park Chamber of Commerce businesses with adapted service list: menloparkchamber.com/wp-content/uploads/2020/03/All-MP-Businesses-with-Adapted-Services_3.31.pdf
- F. Hyperlink – Zonehaven: community.zonehaven.com/
- G. Hyperlink – SAMCEDA business resource links: samceda.org/COVID-19-Resource-Links-Business
- H. Hyperlink – City of San Mateo commercial eviction ordinance: cityofsanmateo.org/DocumentCenter/View/80318/Emergency-Ordinance---Commercial-Eviction-Moratorium-Updated-33020?bidId=

Report prepared by:

John Passmann, Management Analyst II

Report reviewed by:

Deanna Chow, Interim Community Development Director

Cara Silver, Interim City Attorney



Paycheck Protection Program Application Form

Non-Profit <input type="checkbox"/> Vet Org <input type="checkbox"/> Tribal <input type="checkbox"/> Ind. Cont. <input type="checkbox"/> Self Employed <input type="checkbox"/>		DBA or Tradename if applicable	
Business Legal Name			
Business Primary Address		Business TIN (EIN,SSN)	Business Phone
			() -
		Primary Contact	Email Address

Average Monthly Payroll:	\$	X 2.5 equals Loan Amount:	\$	Number of Jobs:	
Purpose of the loan (select more than one):	<input type="checkbox"/> Payroll <input type="checkbox"/> Rent / Mortgage Interest <input type="checkbox"/> Utilities <input type="checkbox"/> Other (explain):				

Applicant Ownership

List all owners of Applicant with greater than 20% ownership stakes. Attach a separate sheet if necessary.

Owner Name	Title	Ownership %	TIN (EIN,SSN)	Address

If questions (1) or (2) below are answered "Yes," the loan will not be approved.

Question	Yes	No
1. Is the Business or any owner presently suspended, debarred, proposed for debarment, declared ineligible, voluntarily excluded from participation in this transaction by any Federal department or agency, or presently involved in any bankruptcy?	<input type="checkbox"/>	<input type="checkbox"/>
2. Has the Business, any of its owners, or any business owned or controlled by any of them, ever obtained a direct or guaranteed loan from SBA or any other Federal agency that is currently delinquent or has defaulted in the last 7 years and caused a loss to the government?	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the Business or any owner an owner of any other business or have common management with any other business? If yes, attach a listing of all Affiliates and describe the relationship as addendum A.	<input type="checkbox"/>	<input type="checkbox"/>
4. Has the Business received an SBA Economic Injury Disaster Loan between January 31, 2020 and April 3, 2020? If yes, provide details on a separate sheet identified as addendum B.	<input type="checkbox"/>	<input type="checkbox"/>

Applicants who are individuals and all 20% or greater owners of the business must answer the following questions. If questions (5) or (6) are answered "Yes" or question (7) is answered "No", the loan will not be approved.

Question	Yes	No
5. Are you presently subject to an indictment, criminal information, arraignment, or other means by which formal criminal charges are brought in any jurisdiction, or presently incarcerated, on probation or parole?	<input type="checkbox"/>	<input type="checkbox"/>
Initial here to confirm your response to question 5 → _____		
6. Within the last 7 years, for any felony or misdemeanor for a crime against a minor, have you: 1) been convicted; 2) pleaded guilty; 3) pleaded nolo contendere; 4) been placed on pretrial diversion; or 5) been placed on any form of parole or probation (including probation before judgment)?	<input type="checkbox"/>	<input type="checkbox"/>
Initial here to confirm your response to question 6 → _____		
7. <input type="checkbox"/> I am a U.S. Citizen <u>OR</u> <input type="checkbox"/> I have Lawful Permanent Resident status <input type="checkbox"/> No		
Initial here to confirm your response to question 7 → _____		



Paycheck Protection Program Application Form

OMB Control No.: 3245-0407
Expiration Date: 09/30/2020

By Signing Below, You Make the Following Representations, Authorizations, and Certifications

REPRESENTATIONS AND AUTHORIZATIONS

I represent that:

- I have read the Statements Required by Law and Executive Order included in this form, and I understand them.
- I will comply, whenever applicable, with the civil rights and other limitations in this form.
- All SBA loan proceeds will be used only for business related purposes as specified in the loan application.
- To the extent feasible, I will purchase only American-made equipment and products.
- The Applicant is not engaged in any activity that is illegal under federal, state or local law.

For Applicants who are individuals and all Associates: I authorize the SBA to request criminal record information about me from criminal justice agencies for the purpose of determining my eligibility for programs authorized by the Small Business Act, as amended.

CERTIFICATIONS

The Business and each 20% or greater owner must certify in good faith to all of the below by **initialing** next to each one:

- _____ Current economic uncertainty makes this loan request necessary to support the ongoing operations of the Applicant.
- _____ The funds will be used to retain workers and maintain payroll or make mortgage payments, lease payments, and utility payments; I understand that if the funds are used for unauthorized purposes, the federal government may pursue criminal fraud charges.
- _____ Documentation verifying the number of full-time equivalent employees on payroll as well as the dollar amounts of payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities for the eight week period following this loan will be provided to the lender.
- _____ Loan forgiveness will be provided for the sum of documented payroll costs, covered mortgage interest payments, covered rent payments, and covered utilities. Due to likely high subscription, it is anticipated that not more than twenty-five percent (25%) of the forgiven amount may be for non-payroll costs.
- _____ During the period beginning on February 15, 2020 and ending on December 31, 2020, the Applicant has not and will not receive another loan under this program.
- _____ I further certify that the information provided in this application and the information that I have provided in all supporting documents and forms is true and accurate. I realize that knowingly making a false statement to obtain a guaranteed loan from SBA is punishable under 18 USC 1001 and 3571 by imprisonment of not more than five years and/or a fine of up to \$250,000; under 15 USC 645 by imprisonment of not more than two years and/or a fine of not more than \$5,000; and, if submitted to a Federally insured institution, under 18 USC 1014 by imprisonment of not more than thirty years and/or a fine of not more than \$1,000,000.
- _____ I acknowledge that the lender will calculate the eligible loan amount using tax documents I have submitted. I affirm that these tax documents are identical to those I submitted to the IRS. I also understand, acknowledge and agree that the Lender can share the tax information with SBA's authorized representatives, including authorized representatives of the SBA Office of Inspector General, for the purpose of compliance with SBA Loan Program Requirements and all SBA reviews.

Signature of Authorized Representative of Business

Date

Print Name

Title

Signature of Owner of Applicant Business

Date

Print Name

Title



Paycheck Protection Program Application Form

OMB Control No.: 3245-0407
Expiration Date: 09/30/2020

Purpose of this form:

This form is to be completed by the Applicant and all individuals identified below and **submitted to your SBA Participating Lender**. Submission of the requested information is required to make a determination regarding eligibility for financial assistance. Failure to submit the information would affect that determination.

Instructions for completing this form:

For purposes of calculating "Average Monthly Payroll", most Applicants will use the average monthly payroll for 2019, excluding costs over \$100,000 on an annualized basis for each employee. For seasonal businesses, the Applicant may elect to instead use average monthly payroll for the time period between February 15, 2019 and June 30, 2019, excluding costs over \$100,000 on an annualized basis for each employee. For new businesses, average monthly payroll may be calculated using the time period from January 1, 2020 to February 29, 2020, excluding costs over \$100,000 on an annualized basis for each employee.

The first section and questions 1-4 request information about the Business. Questions 5-7 are to be completed, signed and dated by each applicant who is an Individual as well as each 20% or greater owner of an Applicant Business. All parties listed below are considered owners of the Applicant Business as defined in 13 CFR § 120.10, as well as "principals."

- For a sole proprietorship, the sole proprietor;
- For a partnership, all general partners, and all limited partners owning 20% or more of the equity of the firm;
- For a corporation, all owners of 20% or more of the corporation;
- For limited liability companies, all members owning 20% or more of the company; and
- Any Trustor (if the Applicant is owned by a trust).

Paperwork Reduction Act – You are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. The estimated time for completing this application, including gathering data needed, is 8 minutes. Comments about this time or the information requested should be sent to : Small Business Administration, Director, Records Management Division, 409 3rd St., SW, Washington DC 20416., and/or SBA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington DC 20503.

Privacy Act (5 U.S.C. 552a) – Under the provisions of the Privacy Act, you are not required to provide your social security number. Failure to provide your social security number may not affect any right, benefit or privilege to which you are entitled. (But see Debt Collection Notice regarding taxpayer identification number below). Disclosures of name and other personal identifiers are required to provide SBA with sufficient information to make a character determination. When evaluating character, SBA considers the person's integrity, candor, and disposition toward criminal actions. Additionally, SBA is specifically authorized to verify your criminal history, or lack thereof, pursuant to section 7(a)(1)(B), 15 USC Section 636(a)(1)(B) of the Small Business Act (the Act).

Disclosure of Information: Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act. The Privacy Act authorizes SBA to make certain "routine uses" of information protected by that Act. One such routine use is the disclosure of information maintained in SBA's system of records when this information indicates a violation or potential violation of law, whether civil, criminal, or administrative in nature. Specifically, SBA may refer the information to the appropriate agency, whether Federal, State, local or foreign, charged with responsibility for, or otherwise involved in investigation, prosecution, enforcement or prevention of such violations. Another routine use is disclosure to other Federal agencies conducting background checks but only to the extent the information is relevant to the requesting agencies' function. See, 74 F.R. 14890 (2009), and as amended from time to time for additional background and other routine uses. In addition, the CARES Act, requires SBA to register every loan made under the Paycheck Protection Act using the Taxpayer Identification Number (TIN) assigned to the borrower.

Debt Collection Act of 1982, Deficit Reduction Act of 1984 (31 U.S.C. 3701 et seq. and other titles) – SBA must obtain your taxpayer identification number when you apply for a loan. If you receive a loan, and do not make payments as they come due, SBA may: (1) report the status of your loan(s) to credit bureaus, (2) hire a collection agency to collect your loan, (3) offset your income tax refund or other amounts due to you from the Federal Government, (4) suspend or debar you or your company from doing business with the Federal Government, (5) refer your loan to the Department of Justice, or (6) foreclose on collateral or take other action permitted in the loan instruments.

Right to Financial Privacy Act of 1978 (12 U.S.C. 3401) – The Right to Financial Privacy Act of 1978, grants SBA access rights to financial records held by financial institutions that are or have been doing business with you or your business including any financial institutions participating in a loan or loan guaranty. SBA is only required provide a certificate of its compliance with the Act to a financial institution in connection with its first request for access to your financial records. SBA's access rights continue for the term of any approved loan guaranty agreement. SBA is also authorized to transfer to another Government authority any financial records concerning an approved loan or loan guarantee, as necessary to process, service or foreclose on a loan guaranty or collect on a defaulted loan guaranty.

Freedom of Information Act (5 U.S.C. 552) – Subject to certain exceptions, SBA must supply information reflected in agency files and



Paycheck Protection Program Application Form

OMB Control No.: 3245-0407
Expiration Date: 09/30/2020

records to a person requesting it. Information about approved loans that will be automatically released includes, among other things, statistics on our loan programs (individual borrowers are not identified in the statistics) and other information such as the names of the borrowers (and their officers, directors, stockholders or partners), the collateral pledged to secure the loan, the amount of the loan, its purpose in general terms and the maturity. Proprietary data on a borrower would not routinely be made available to third parties. All requests under this Act are to be addressed to the nearest SBA office and be identified as a Freedom of Information request.

Occupational Safety and Health Act (15 U.S.C. 651 et seq.) – The Occupational Safety and Health Administration (OSHA) can require businesses to modify facilities and procedures to protect employees. Businesses that do not comply may be fined, forced to cease operations, or prevented from starting operations. Signing this form is certification that the applicant, to the best of its knowledge, is in compliance with the applicable OSHA requirements, and will remain in compliance during the life of the loan.

Civil Rights(13 C.F.R. 112, 113, 117) – All businesses receiving SBA financial assistance must agree not to discriminate in any business practice, including employment practices and services to the public on the basis of categories cited in 13 C.F.R., Parts 112, 113, and 117 of SBA Regulations. All borrowers must display the "Equal Employment Opportunity Poster" prescribed by SBA.

Equal Credit Opportunity Act (15 U.S.C. 1691) – Creditors are prohibited from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status or age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

Debarment and Suspension Executive Order 12549; (2 CFR Part 180 and Part 2700) – By submitting this loan application, you certify that neither you nor any Associates have within the past three years been: (a) debarred, suspended, declared ineligible or voluntarily excluded from participation in a transaction by any Federal Agency; (b) formally proposed for debarment, with a final determination still pending; (c) indicted, convicted, or had a civil judgment rendered against you for any of the offenses listed in the regulations or (d) delinquent on any amounts owed to the U.S. Government or its instrumentalities as of the date of execution of this certification.

SAMPLE

Updated: April 3, 2020

COVID-19 Business Continuity Action Plan - 2.1 (Small and Medium-Sized Business)

New and Updated Links Added on Page 2 as of April 3, 2020

Please know that all businesses, no matter the size or industry are important to the economic health and well-being of our communities. We recognize, appreciate and understand the uncertainty many of you are facing and want to assure you that the [County of San Mateo](#), [San Mateo County Economic Development Association \(SAMCEDA\)](#), your [Chambers of Commerce](#) and your respective [cities and towns](#) are working day in and day out developing solutions.

First, your government is working as fast as possible at the federal, state, county, and city levels to deal with the public health crisis created by the COVID-19 pandemic, which includes urging everyone to obey the *stay-at home* order in San Mateo County and all of California to save your life and the lives of everyone around you.

The second most important priority is to ensure San Mateo County's healthcare system, including all of its hospitals and temporary hospital beds, have the resources, ventilators, and healthcare professionals to deal with the surge in patients that is coming. We are only weeks behind what we see in New York on television.

As a small or medium-sized business owner or operator, you can't wait for the government to save your business. The funding from the \$2 trillion dollar federal stimulus bill and programs at the state, county and city level will not be available immediately – it will take several weeks to several months for all of the money to get in the hands to those who need it most.

Many of you may have already checked off the options/suggestions below, but for those who have not we encourage you to consider which of the following steps best serves you, your business and your employees:

- Have you reviewed revenue and expenses and cut everything non-essential today to survive the next 30-60-90 days?
- Can you take your business online, offer take-out/delivery, provide consulting services or online classes via video conferencing?
- Are you equipped to take online payments through companies like [Stripe](#) or [Paypal](#)?
- Have you contacted your landlord or your mortgage lender to determine your options to defer payments or make partial payments until after the shutdown order is lifted?
- Have you contacted your accountant and/or business attorney to discuss how to help your employees through continued payroll or unemployment benefits?
- Have you contacted your bank/financial institution to see what they are offering: business line of credit, short term loans, etc.?
- Have you discussed with your vendors and suppliers deferring payments or making partial payments?
- Have you looked at what your utility and communication service providers are offering: PG&E, Comcast, AT&T, Verizon, etc.?
- Have you carefully reviewed local resources to determine what federal and state programs are available to you as a small business owner or self-employed individual (resource links on page 2)

ADDED 4/3/20 - SMALL BUSINESS ADVISING RESOURCES

The San Mateo SBDC is still actively serving clients in the county via Humboldt State University, the regional lead center for all SBDCs in Northern California. The SBDC offers free, individualized and confidential one-on-one advising for existing businesses and start-ups with the potential for job creation, revenue and profit growth, and new business development ideas which could stimulate economic development in San Mateo County and beyond.

- [One-on-One Advising](#)
- [Request Services](#)

SCORE offers the largest network of volunteer business mentors providing free answers to your business questions. Browse mentor profiles to find your ideal expert or ask a question and let SCORE pair you with the right expert.

- [Find a Mentor](#)

FEDERAL LINKS:

- **ADDED 4/3/20** – [April 3, 2020: No Small-Business Relief Yet \(Forbes\)](#)
- **ADDED 4/2/20** – [U.S. Department of the Treasury: Assistance for Small Businesses - Paycheck Protection Program \(PPP\)](#)
- [U.S. Senate Committee on Small Business & Entrepreneurship: Paycheck Protection Program FAQs for Small Business](#)
- [Small Business Administration \(SBA\): Coronavirus \(COVID-19\): Small Business Guidance & Loan Resources](#)
- [Small Business Administration \(SBA\): COVID-19 Economic Injury Disaster Loan Application](#)
- [Center for Economic and Policy Research \(CEPR\): Federal Stimulus FAQ](#)

OVERVIEW OF STIMULUS PACKAGE

- **ADDED 4/2/20** - [Q&A: How a New Federal Law Aids the Economy \(Wells Fargo\)](#)
- **ADDED 4/2/20** - [Department of Labor Issues Guidance on Families First Coronavirus Response Act \(Gibson Dunn\)](#)

PAYCHECK PROTECTION PROGRAM (PPP)

- **Forbes**
 - **ADDED 4/3/20** – [April 3, 2020: No Small-Business Relief Yet](#)
- **U.S. Treasury**
 - **ADDED 4/2/20** - [Assistance for Small Businesses - Paycheck Protection Program \(PPP\)](#)
 - **UPDATED 4/3/20** - [Paycheck Protection Program \(PPP\) - Overview](#)
 - **ADDED 4/3/20** - [Paycheck Protection Program – Interim Final Rule](#)
 - **UPDATED 4/3/20** - [Paycheck Protection Program \(PPP\) Information Sheet: Borrowers](#)
 - **UPDATED 4/3/20** - [Paycheck Protection Program Application for Borrowers](#)
 - **UPDATED 4/3/20** - [Paycheck Protection Program \(PPP\) Information Sheet: Lenders](#)
 - **ADDED 4/2/20** - [Paycheck Protection Program Application for Lenders](#)
- **Small Business Administration (SBA) Resources**
 - **ADDED 4/2/20** - [With \\$349 Billion in Emergency Small Business Capital Cleared, SBA and Treasury Begin Unprecedented Public-Private Mobilization Effort to Distribute Funds](#)
 - **ADDED 4/2/20** - [Table of Small Business Size Standards \(SBA\)](#)
- **U.S. Chamber of Commerce**
 - **ADDED 4/2/20** - [Coronavirus Aid, Relief, and Economic Security Act: What Small Businesses Need to Know](#)

- **Arent Fox**
 - **ADDED 4/2/20** – [Summarizing the Paycheck Protection Program](#)
- **Hanson Bridgett**
 - **ADDED 4/2/20** – [CARES Act: Paycheck Protection Loans and Eligibility for Loan Forgiveness](#)
- **U.S. Bank**
 - **ADDED 4/2/20** - [PPP Resource](#)
- **PNC**
 - **ADDED 4/2/20** - [PPP FAQ](#)
 - **ADDED 4/2/20** - [SBA Program Comparisons: PPP & EIDL](#)
 - **ADDED 4/2/20** - [PPP Required Document Check List](#)

STATE LINKS:

- **ADDED 4/2/20** – [Governor Newsom Announces New Help for Small Businesses & Workers Displaced by COVID-19 \(Cal OES\)](#)
- **ADDED 4/2/20** - [What Steps Have States Taken to Address Coronavirus \(National Governors Association\)](#)
- **ADDED 4/2/20** - [State Action on COVID-19 \(National Conference of State Legislators\)](#)
- [Governor’s Office of Business and Economic Development \(GO-Biz\): Coronavirus 2019](#)
- [America’s SBDC California: COVID-19 – The Latest News & Resources for Your Business](#)
- [Coronavirus Aid, Relief, and Economic Security Act \(Cal OES\)](#)

SAN MATEO COUNTY ECONOMIC DEVELOPMENT ASSOCIATION (SAMCEDA):

- **UPDATED 4/3/20** – [Business Continuity Action Plan 2.1](#)
- [Business Resources](#)
- [Financial Relief](#)
- [Find Your Local Chambers](#)
- [Take Our Small Business Survey](#)

LEGAL LINKS:

- **Arent Fox**
 - **UPDATED 4/3/20** – [Business Loan Task Force](#)
- **Hanson Bridgett**
 - **UPDATED 4/3/20** – [COVID-19 & Legal Resources](#)

CREDIT UNION RESOURCE LINKS:

- **Golden 1 Credit Union**
 - [COVID-19 Resources](#)
- **Patelco**
 - [COVID-19 Resources](#)
- **Provident Credit Union**
 - [Loan Assistance Program](#)
- **San Mateo Credit Union**
 - **UPDATED 4/2/20** – [COVID-19 Resources](#)
 - **UPDATED 4/2/20** – [Mortgage Deferral](#)
 - **UPDATED 4/2/20** – [Work Reduction Loan](#)
- **Stanford Federal Credit Union**

- [COVID-19 Resources](#)

BANKS/OTHER FINANCIAL INSTITUTION RESOURCE LINKS:

- **Bank of America**
 - [COVID-19 Resources](#)
- **Beacon Business Bank**
 - [COVID-19 Resources](#)
- **Heritage Bank**
 - [COVID-19 Resources](#)
- **JP Morgan Chase**
 - [COVID-19 Resources](#)
- **Union Bank**
 - [COVID-19 Resources](#)
- **Wells Fargo**
 - [COVID-19 Resources](#)

HUMAN RESOURCE (HR) LINKS:

- **Peak Point Consultants**
 - **ADDED 4/2/20** – [Remote Leadership, Culture and Engagement Programs \(Peak Point Consultants\)](#)
- **Society for Human Resource Management (SHRM)**
 - [Coronavirus Resources for HR](#)
- **LinkedIn Advisors Guide**
 - [Staying Informed and Connected: Resources to Help Navigate Work and Coronavirus](#)
 - [Six Tips for Working Remotely](#)
 - [Remote Working: Setting Yourself and Your Teams Up for Success](#)

Accessing what is available today, through these and other resources will better position your business for getting through this difficult time. We are actively developing the small business application, evaluation, and distribution processes for the [San Mateo County Strong Fund](#), so please check our [website](#) for updates.

We will continue to identify and bring you any new resources we find and are working diligently to preserve the economic health of the business community in all our efforts.

For SAMCEDA COVID-19 updates via our e-Newsletter, click [here](#) or follow us on social media ([Twitter](#), [Facebook](#), [LinkedIn](#)).

**STAFF REPORT****City Council**

Meeting Date: 4/7/2020
Staff Report Number: 20-071-CC

Regular Business: Consideration and discussion of COVID-19 City responses

Recommendation:

Staff recommends that the City Council review the key initiatives taken to date in responding to the COVID-19 emergency and provide direction on any additional actions that should be taken.

Policy Issues

Responding to the COVID-19 pandemic, the State shelter in place order and the County Health orders is the major priority of the City Council at this time. The City has taken swift action to address this health crisis, which will be discussed in more detail in the analysis section.

Background

On March 3, the San Mateo County health officer declared a local health emergency throughout San Mateo County related to COVID-19, a novel highly contagious respiratory disease that poses a serious threat to public health. On March 4, the governor of the State of California declared a state of emergency. On March 11, the World Health Organization declared COVID-19 constituted a world pandemic. The City of Menlo Park was one of the first cities in the Bay area to declare a local emergency doing so March 11. Menlo Park's emergency declaration empowered the city manager to take actions to preserve and protect the health and safety of its community in light of its own circumstances. To date, the city manager has issued three local orders described below. On March 19, the governor issued Executive Order No. N-33-20 requiring all residents to stay at home.

On March 31, county of San Mateo Health Officer Dr. Scott Morrow, along with six other Bay Area public health officers, extended the stay-at-home order through May 3, to preserve critical hospital capacity across the region. The health officers determined that stricter social distancing was needed to slow the rate of spread, prevent deaths and stop the health care system from becoming overwhelmed.

The latest stay-at-home order supersedes the previous countywide shelter-in-place order and went into effect at 11:59 p.m. March 31. (Attachment A.) It is a complement to the ongoing statewide stay-at-home order issued by Governor Gavin Newsom earlier this month.

Like the previous local order, this extended order requires people to stay at home except for doing essential activities, such as grocery shopping. Nonessential businesses will remain closed.

The new order adds some clarifying language around essential business and activities, as well as some new directives, including:

- Do not travel more than 5 miles from your home to a recreation area.
- Use of playgrounds, dog parks, public picnic areas and similar recreational areas is prohibited. These areas remain closed to public use.

- Use of shared public recreational facilities such as golf courses, tennis and basketball courts, pools and rock walls is prohibited. These facilities remain closed.
- Sports requiring people to share a ball or other equipment must be limited to people in the same household
- Essential businesses must scale down operations to essential components only, maximize the number of people working from home and must develop and post a social distancing protocol before April 3
- Essential businesses list is expanded to include service providers that enable residential transactions (notaries, title companies, realtors, etc.;;) funeral homes and cemeteries; moving companies, rental car companies and rideshare services that specifically enable essential activities
- Landscapers and gardeners are not allowed to perform general cosmetic landscape work. They are only allowed to maintain habitability, sanitation and safety (such as fire safety or tree trimming to prevent a dangerous condition.)
- Construction—residential and commercial—remains prohibited in Menlo Park, with only approved health/safety exceptions
- Funerals are limited to 10 or fewer attendees.

The State, County and local orders are intended to work together. Where there are inconsistencies between orders, the most restrictive provision governs.

Analysis

The City has taken swift action in response to the COVID-19 emergency. Below is a summary of some of the key actions taken by the City. This report focuses on the action taken to secure City facilities and to educate and assist residents. A separate staff report focuses on action taken to assist businesses.

1. Continued activation of the emergency operations center (EOC) and liaison role with community volunteers. The EOC is the center for setting the daily objectives of how the City's "disaster" (e.g., emergency) team operates. The purpose is to coordinate the response from an administrative level to ensure it is effective and most importantly safe for both the responders and the public. It also helps to prevent the duplication of efforts by various parts of the City organization. The EOC's purpose is not to set policy or take legislative action, but to carry out the City's disaster response plan and to make modifications to fit the facts and circumstances of the event for which the EOC was activated.

The City's emergency organization and functions are authorized in the City's Municipal Code in Chapter 2.44. The City Council by ordinance has appointed the city manager as the director of disaster services ("Director"). This delegation allows the city manager as the Director to run the day to day operations of a disaster (emergency) event.

Given the prolonged duration of this current emergency, the City also expects to rely on the assistance of volunteers. The County has a comprehensive volunteer program and many local businesses and nonprofits have also mobilized to assist. The City also has local residents, some of whom have community emergency response team (CERT) credentials, who would like to help fellow residents. Links to State, County and local volunteer groups is included on the City's coronavirus webpage. Facebook also recently established a new app called Community Help, where people may request or offer help to neighbors, such as volunteering to deliver groceries or donating to a local food pantry or fundraiser. The City has appointed

an EOC representative to liaison with local volunteers. City Council guidance on how to best utilize the large group of volunteers would be appreciated.

2. The City established a coronavirus webpage. This contains links to relevant CDC, State, County and local resources.

3. Enforcement of shelter in place orders. The City of Menlo Park has established a new online shelter-in-place violation reporting form for individuals or businesses to report nonessential activities in violation of the shelter-in-place orders. The police department is empowered to enforce the State, County and local orders and the district attorney has announced that he will prosecute referred cases. The police will first provide warnings, but if such warnings are ineffective, they will issue citations for violating the shelter in place order.

4. Mobilization of essential personnel. Under the operative emergency orders, cities were delegated responsibility to determine which employees would be deemed essential service workers (e.g., required to assist in emergency operations) and which were not. In the early stages of the emergency, the City Council directed the city manager to swiftly close the City Hall campus and its public facing operations, limiting access to essential personnel, in a collective effort to “flatten the curve.” Essential services were described in the City’s declaration of local emergency issued March 11, and include police patrol, police dispatch and records, potable water to Menlo Park municipal water customers, emergency building inspections, public works emergency response, public information and City Council support, and the internal services necessary to support essential services including payroll, accounts payable, procurement, information technology and critical fleet maintenance.

Police officers were mobilized to carry out the following operations:

- Continuation of response to priority calls and investigating crimes and making arrests when necessary
- Developing and implementing procedures for officers to minimize risk of exposure (protective equipment, maintaining social distancing, not entering homes unless necessary, contacting by phone)
- Requesting that persons reporting low level crimes use our existing online resources
- Creating online method to report violations of the current Shelter in Place order, which can be found here: <https://www.menlopark.org/288/Police>
- Conducting an effort to educate the public, through contacts and Public Information Officer releases, regarding the shelter in place (SIP) order
- Creating a new call type for tracking purposes of calls involving violations of the SIP order
 - We receive 30-40 calls a day for violations of the SIP order and anticipate these to increase over time
 - With recommendations from the district attorney’s office, developed an escalation policy on handling repeated violations, making arrests the last resort in these cases
- Patrol officers are conducting numerous checks of essential open businesses and educating them on the SIP order
- Outreach to the homeless population regarding shelters
- Participating heavily in the city’s EOC operations with police personnel filling many of the necessary roles
- Participating in numerous calls and meetings with other county agencies, both police, fire and health departments to coordinate responses
- Rotating command staff in office / work from home schedule to maintain continuity of command.

Public works essential personnel have continued to conduct water quality sampling, respond to water leaks, and conduct critical water system maintenance; respond to emergency/hazardous tree removals and downed branches and critical maintenance needs; and conduct fleet maintenance on police patrol vehicles.

4. Local construction ban issued by city manager. The County's previous order permitted all residential and public works construction to continue. Because social distancing is difficult to achieve in construction projects and because the city has limited inspection resources, the city manager elected to use her emergency powers to ban most construction in Menlo Park, except for identified essential public works projects. The city manager order also provided an exception for certain health and safety projects. (Attachment B.) Public works and community development continue to review requests for exemption for emergency work. Work that has been approved and issued emergency permits or approval to proceed include repairs to damaged sewer and water lines, emergency telecommunications work, and work to secure active construction sites to ensure are safe for the duration of the SIP. The updated County order significantly narrowed the county wide construction ban while still permitting projects containing at least 10 percent deed restricted affordable units or homeless shelters to continue. The City Council may want to consider modifying its local construction ban to further align it with the County's updated order.

5. Local park closures ordered by city manager. One of the immediate problems associated with the stay at home order was the large uptick in the number of people visiting parks and beaches. To reduce crowds, the County closed many of their parks to parking and vehicle traffic. Overcrowding was also observed in Menlo Park. Accordingly, Menlo Park joined many San Mateo County Parks and California State Parks by closing the following public facilities: City Hall; Arrillaga Family Recreation Center; Arrillaga Family Gymnasium; Arrillaga Family Gymnastics Center; Burgess Pool; Belle Haven Pool; Onetta Harris Community Center; Menlo Park Senior Center; Menlo Park Main Library and Belle Haven Branch Library; all public restrooms and playgrounds located in all public parks; Burgess Park skate park; all public tennis courts, and all public basketball courts (Attachment C.) On Friday, the city manager also closed Bedwell Bayfront Park.

6. Eviction protection moratorium. On March 24, the San Mateo County board of supervisors adopted an emergency regulation that places a temporary Countywide moratorium on evictions from residential units for (1) non-payment of rent by tenants directly impacted by the novel coronavirus (COVID-19) pandemic; and (2) certain no-fault causes unless the eviction is necessary for the health and safety of the tenant, other residents in the tenant's building, the landlord or the landlord's family. The moratorium applies countywide and it covers the 20 cities in San Mateo County, as well as the unincorporated areas of the County. The emergency regulation takes effect immediately and, unless extended by the board of supervisors, the emergency regulation will expire May 31. Tenants will have up to 180-days after the expiration of the emergency regulation to pay the delayed rents that were not paid while the emergency regulation was in effect.

For details about the regulation, please see Attachment D.

7. Tenant COVID-19 related assistance fund. The City Council converted its existing \$100,000 tenant relocation fund into a tenant assistance fund which is available to assist tenants unable to make rental payments for a COVID-19 related reason. Currently the fund may be used for rental assistance payments only, but the City Council directed staff to come back to City Council with a recommendation for further expanding the use of the fund. The fund is administered by Samaritan House. To access the fund, Menlo Park residents should call 650-294-4312 and case managers are available to help people remotely.

8. Wellness checks. The City has deployed employees to check in with residents who live alone, the elderly and the chronically ill. Regular calls are made to make sure folks do not feel so alone and to check on basic needs.

9. Recent efforts to begin restoring nonessential city services.

Community development

Starting April 2, the city will begin virtual operations to support existing permit applications and ongoing projects. Staff will continue to process applications currently on file. Staff may be reaching out to applicants who submitted their applications during the latter part of January, February or March to ask that plans be submitted electronically. Applicants who wish to resubmit plans should email the Permit Team or their project planner for additional information on how to submit plans electronically via the online permit center.

New planning applications for discretionary permits (e.g., use permit, administrative permits, variances, etc.) will be accepted. Applicants should email the Planning Division to request to speak to a planner regarding new submittals.

No new permit applications will be accepted for:

- Building permits – no building permits are being issued at this time
- Encroachment permits – no new encroachment permits for work in the public right-of-way are being issued at this time

Library

Library services have transitioned to all online/virtual offerings using a combination of pre-existing and new electronic services including e-books, streaming video, and interactive online homework and tutoring support. In addition, library staff are working remotely on creative solutions to get physical books into the hands of homebound residents through a combination of U.S. mail and activation of Menlo Park's extensive network of neighborhood-oriented Little Free Libraries. Other efforts include the rapid development of virtual storytime, book discussion groups and literacy tutoring. Finally, library team members are working productively to implement department wide cross-training efforts, planning and procedural updates outlined in the library strategic plan.

Community services

Community services continues to operate its Senior Nutrition program via meal delivery. In collaboration with Samaritan House, two-day portions of individually packaged meals are delivered at no cost to over 35 homebound seniors, three times per week. Over a hundred wellness checks are conducted weekly in English and Spanish to some of our most vulnerable seniors. The Senior Center's brown bag food pantry and Onetta Harris Community Center's Second Harvest food pantry continue during this critical time for community members experiencing food insecurity. The program format has been modified to comply with social distancing directives. Prepacked boxes can be placed directly into a trunk while the recipient stays in his or her vehicle or are available for curbside pickup.

Community services has been developing content for Menlo Park's Rec-Connect virtual recreation center offering health and wellness tips, as well as free resources to support families with their fitness, lifelong learning and mental health needs. We expect to launch this resource the week of April 6 while continuing to update with relevant content.

Public works

Public works engineering and transportation divisions are continuing to work remotely to develop designs and bid documents for capital projects, review development plans and environmental documents, oversee the City's stormwater permitting program, and document policies and procedures for the department.

10. No water disconnections during shelter in place. The City's water utility has joined other utilities in the region in agreeing not to conduct any water disconnections during SIP order. For residents and businesses not served by Menlo Park Water, on April 2, the governor issued a statewide order prohibiting all water shut-offs.

Impact on City Resources

The City Council adoption of the proposed resolution would not have an impact on city resources.

Public Engagement

There was no public engagement process conducted in the preparation of this report beyond posting on the agenda.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. County health order Issued March 31
- B. Emergency services director/city manager Order No. 1
- C. Emergency services director/city manager Order No. 2
- D. Hyperlink – COVID-19 San Mateo county eviction regulations: housing.smcgov.org/covid-19-smc-eviction-regulations

Report prepared by:
Cara E. Silver, Interim City Attorney



**ORDER No. c19-5b (REVISED) OF THE HEALTH OFFICER
OF THE COUNTY OF SAN MATEO DIRECTING
ALL INDIVIDUALS LIVING IN THE COUNTY TO CONTINUE SHELTERING AT
THEIR PLACE OF RESIDENCE EXCEPT FOR ESSENTIAL NEEDS; CONTINUING
TO EXEMPT HOMELESS INDIVIDUALS FROM THE ORDER BUT URGING
GOVERNMENT AGENCIES TO PROVIDE THEM SHELTER AND HAND
SANITATION FACILITIES; LIMITING TRAVEL FOR OUTDOOR RECREATION
ACTIVITIES AND RESTRICTING ACCESS TO RECREATION AREAS;
REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL DISTANCING
PROTOCOLS; CLARIFYING AND FURTHER LIMITING ESSENTIAL BUSINESS
ACTIVITIES, INCLUDING CONSTRUCTION; AND DIRECTING ALL BUSINESSES
AND GOVERNMENTAL OPERATIONS TO FURTHER CEASE NON-ESSENTIAL
OPERATIONS**

DATE OF ORDER: MARCH 31, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1).

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF SAN MATEO (“HEALTH OFFICER”) ORDERS:

1. This Order supersedes the March 16, 2020 Order of the Health Officer directing all individuals to shelter in place (“Prior Shelter Order”). This Order clarifies, strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and reduce person-to-person contact in order to further slow transmission of Novel Coronavirus Disease 2019 (“COVID-19”). As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses and government agencies in the County of San Mateo (“County”) are required to follow the provisions of this Order.
2. The intent of this Order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.





3. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities, Essential Travel, Essential Governmental Functions, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section 13. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 13.k, except as expressly provided in this Order.
5. All businesses with a facility in the County, except Essential Businesses, as defined in Section 13.f, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13.g. For clarity, all businesses may continue operations consisting exclusively of owners, employees, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential Businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.
6. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel or Essential Activities together.
7. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 13.i, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 13.k, to the greatest extent feasible. This Order allows travel into or out of the County only to perform Essential Activities, operate Essential Businesses, maintain Essential Governmental Functions, or perform Minimum Basic Operations at non-essential businesses.
8. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches



to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the County issued the Prior Shelter Order on March 16, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the same time, evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Shelter Order are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension of the Prior Shelter Order and strengthening of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.

9. This Order is also issued in light of the existence, as of March 29, 2020, of 309 cases of COVID-19 in the County, as well as at least 2,092 confirmed cases (up from 258 confirmed cases on March 15, 2020, just before the Prior Shelter Order) and at least 51 deaths (up from 3 deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. This Order is necessary to slow the rate of spread, and the Health Officer will re-evaluate it as further data becomes available.
10. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County, the March 3, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, the March 10, 2020 Resolution of the Board of Supervisors of the County of San Mateo Ratifying and Extending the Declaration of a Local Health Emergency, the March 11, 2020 and March Order of the Health Officer No. C19-1 restricting visitors to skilled nursing facilities, the March 12, 2020 State of California Executive Order N-25-20, and the March 13, 2020 Order of the Health Officer No. C19-3 imposing a School Operations Modification Order.
11. This Order is issued in light of evidence that the Prior Shelter Order has been generally effective in increasing social distancing, but that at this time additional restrictions are necessary to further mitigate the rate of transmission of COVID-19, to prevent the health care system from being overwhelmed, and prevent death. This Order comes after the release of substantial guidance from the County Health



Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including an increasing number of orders imposing similar social distancing requirements and mobility restrictions to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.

12. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The State Shelter Order was complementary to the Prior Shelter Order. This Order adopts in certain respects more stringent restrictions addressing the particular facts and circumstances in this County, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order, including limiting such travel to performance of Essential Travel or Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County.

13. Definitions and Exemptions.

- a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:
 - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products,



- products needed to work from home, or products necessary to maintain the habitability, sanitation, and operation of residences.
- iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
 1. Outdoor recreation activity must take place within 5 miles of the individual's residence;
 2. Outdoor recreation activity at parks, beaches, and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;
 3. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, outdoor gym equipment, picnic areas, dog parks, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;
 4. Use of shared facilities for recreational activities outside of residences, including, but not limited to, golf courses, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and those areas must be closed for recreational purposes, including by signage and, as appropriate, by physical barriers. Such facilities may be repurposed during the emergency to provide essential services needed to address the COVID-19 pandemic; and
 5. Sports or activities that include the use of shared equipment may only be engaged in by members of the same household or living unit.
 - iv. To perform work for an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.
 - v. To provide necessary care for a family member or pet in another household who has no other source of care.
 - vi. To attend a funeral with no more than 10 individuals present.
 - vii. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.
- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at "Healthcare Operations," including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services.



“Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.

- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.
- e. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” are:
 - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food.
 - iii. Food cultivation, including farming, livestock, and fishing;



- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Construction, but only of the types listed in this subparagraph below:
 - 1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
 - 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
 - 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 - 4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
 - 5. Shelters and temporary housing, but not including hotels or motels;
 - 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 - 7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 - 8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;
- xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or



- tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
- xiv. Businesses providing mailing and shipping services, including post office boxes;
 - xv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;
 - xvi. Laundromats, drycleaners, and laundry service providers;
 - xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
 - xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;
 - xix. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
 - xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
 - xxi. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - xxii. Home-based care for seniors, adults, children, and pets;
 - xxiii. Residential facilities and shelters for seniors, adults, and children;
 - xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;
 - xxv. Services to assist individuals in finding employment with Essential Businesses;
 - xxvi. Moving services that facilitate residential or commercial moves that are allowed under this Order;
 - xxvii. Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses or Essential Governmental Functions, or Minimum Basic Operations to work as allowed under this Order. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following conditions:
 - 1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - 2. Children shall not change from one group to another.



3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 4. Childcare providers shall remain solely with one group of children.
- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, employees, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- i. The minimum necessary activities to maintain and protect the value of the business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions.
 - ii. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.
- h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:
- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
 - ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
 - iii. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
 - iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
 - v. Regularly disinfecting other high-touch surfaces; and
 - vi. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one’s elbow; not shake hands or engage in any unnecessary physical contact.
 - vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention’s guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).



- i. For the purposes of this Order, “Essential Travel” means travel for any of the following purposes:
 - i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
 - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities.
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
 - iv. Travel to return to a place of residence from outside the County.
 - v. Travel required by law enforcement or court order.
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
 - vii. Travel to manage after-death arrangements and burial.
 - viii. Travel to arrange for shelter or avoid homelessness.
 - ix. Travel to avoid domestic violence or child abuse.
 - x. Travel for parental custody arrangements.
 - xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.

- j. For purposes of this Order, “residences” include hotels, motels, shared rental units and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.

- k. For purposes of this Order, “Social Distancing Requirements” means:
 - i. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
 - ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
 - iv. Avoiding all social interaction outside the household when sick with a fever or cough.All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.

14. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand



sanitizer or hand washing stations. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).

15. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
16. This Order shall become effective at 11:59 p.m. on March 31, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
17. Copies of this Order shall promptly be: (1) made available at 400 County Center, Redwood City, CA 94063; (2) posted on the County Public Health Department website (www.smchealth.org); and (3) provided to any member of the public requesting a copy of this Order.
18. If any provision of this Order to its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

Scott Morrow MD, MPH
Health Officer of the County of San Mateo

Dated: March 31, 2020

Attachments: Appendix A – Social Distancing Protocol

Appendix A: Social Distancing Protocol

Business name: Click or tap here to enter text.

Facility Address: Click or tap here to enter text.

Approximate gross square footage of space open to the public: Click or tap here to enter text.

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

Everyone who can carry out their work duties from home has been directed to do so.

All employees have been told not to come to work if sick.

Symptom checks are being conducted before employees may enter the work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms:

Bathrooms:

Other (Click or tap here to enter text.): Click or tap here to enter text.

Disinfectant and related supplies are available to all employees at the following location(s): Click or tap here to enter text.

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): Click or tap here to enter text.

Soap and water are available to all employees at the following location(s): Click or tap here to enter text.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: Click or tap here to enter text.

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

Limit the number of customers in the store at any one time to Click or tap here to enter text. [insert maximum number here], which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: Click or tap here to enter text.

Appendix A: Social Distancing Protocol

Optional—Describe other measures: Click or tap here to enter text.

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: Click or tap here to enter text.

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe: Click or tap here to enter text.
- Optional—Describe other measures (e.g. providing senior-only hours): Click or tap here to enter text.

Measures To Increase Sanitization (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.
- Optional—Describe other measures: Click or tap here to enter text.

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: Click or tap here to enter text.

Phone number: Click or tap here to enter text.

DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER EMERGENCY ORDER NO.1

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named “COVID-19” is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”);

WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended this declaration of local health emergency;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the San Mateo County Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence (“Shelter-in-Place Order”), and authorizes individuals to leave their residences only for certain “Essential Activities,” “Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Shelter-in Place;

WHEREAS, on March 19, 2020, Governor Newsom issued 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 the federal critical infrastructure sectors; and

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, building construction requires regular inspection services to ensure that completed work complies with both issued permits and applicable building standards and waiving such inspections increases the risk of defective and unsafe construction;

WHEREAS, the City has extremely limited construction inspection services and protective gear to prevent inspectors from contaminated job sites and the Federal and State governments have requested that such protective gear be preserve for essential health workers;

WHEREAS, the Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths and preserve construction inspection services and the related administrative resources for the most critical projects;

WHEREAS, the Council also recognizes that housing is indeed a priority for our community and the region, but the immediacy of curbing the current health emergency must take precedence to prevent further spread of the virus;

WHEREAS, the Council desires to resume housing construction at the earliest opportunity; and

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

NOW, THEREFORE, the City Manager does hereby make the following order:

1. Effective immediately and until this order is terminated by the City Manager, all construction activity in the City of Menlo Park shall be temporarily suspended.
2. The City Manager will regularly review the need for this order to be in place and may elect to modify it should local circumstances or applicable law change.
3. Upon approval of the City Manager, construction activity in the government facilities and water and wastewater systems sector may be performed provided adequate social distancing mitigation measures can be achieved during both construction and inspection work.
4. The City Manager or designee may authorize limited exceptions to Section 1 of this order to protect life, health or safety provided they are consistent with Executive Order No. N-33-20 and/or subsequent applicable State or County orders.

Dated: 3/23/2020

DocuSigned by:
Starla Jerome Robinson
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City Manager

**CITY OF MENLO PARK DIRECTOR OF EMERGENCY SERVICES/CITY MANAGER
EMERGENCY ORDER NO. 2**

WHEREAS, the Centers for Disease Control and Prevention has stated that based on current information a novel coronavirus named "COVID-19" is a serious public health threat;

WHEREAS, a complete clinical picture of this respiratory disease is not yet fully understood, though it is highly contagious;

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer ("Health Officer") declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to help the state prepare for the spread of COVID-19;

WHEREAS, the Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County; WHEREAS, on March 10, 2020, the San Mateo County Board of Supervisors ratified and extended the declaration of a local health emergency;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic and empowered the Director of Emergency Services to take all necessary actions;

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space;

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directs all individuals currently living within San Mateo County to shelter in their place of residence ("Shelter-in-Place Order"), and authorizes individuals to leave their residences only for certain "Essential Activities", "Essential Governmental Functions," or to operate "Essential Businesses," all as defined in the Shelter-in Place Order;

WHEREAS, Government Code Section 8634 empowers the Director of Emergency Services to promulgate orders and regulations necessary to provide for the protection of life and property;

WHEREAS, during the existence of this local emergency, pursuant to Municipal Code Chapter 2.44, the City Manager as Director of Emergency Services is empowered to

make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency.

WHEREAS, on March 19, 2020, Governor Newsom issued 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 the federal critical infrastructure sectors;

WHEREAS, the Governor empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the City Council desires to do what it can to help slow the spread of COVID-19, reduce the load on local hospitals and emergency rooms, prevent unnecessary deaths, and preserve limited resources in order to allocate them to the most critical projects; and

NOW, THEREFORE, the City Manager as the Director of Emergency Services does hereby make the following order:

1. Public Facilities Closures. For the duration of the local emergency, the following public facilities shall be closed to the public: City Hall; Arrillaga Family Recreation Center; Arrillaga Family Gymnasium; Arrillaga Family Gymnastics Center; Burgess Pool; Belle Haven Pool; Onetta Harris Community Center; Menlo Park Senior Center; Menlo Park Main Library and Belle Haven Branch Library; all public restrooms and playgrounds located in all public parks; Burgess Park skate park; all public tennis courts, and all public basketball courts.

2. Effective date. This order shall be effective immediately and shall terminate upon the earlier of (1) Director of Emergency Services order or (2) cessation of local emergency.

3. Enforcement. This order shall be enforceable as a misdemeanor as provided in Menlo Park Municipal Code Section 2.44.110.

Dated: 3/27/2020

DocuSigned by:

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 Director of Emergency Services

Approved as to form:

DocuSigned by:

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 Interim City Attorney

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**STAFF REPORT****City Council**

Meeting Date: 4/7/2020
Staff Report Number: 20-069-CC

Regular Business: Consider Resolution No. 6553 affirming Menlo Park's commitment to values of equity, fairness, and justice in responding to COVID-19

Recommendation:

Staff recommends that the City Council consider Mayor Taylor's request to consider Resolution No. 6553 affirming the City of Menlo Park's commitment to values of equity, fairness, and justice in responding to COVID 19.

Policy Issues

In its general plan, the City of Menlo Park established nine guiding principles for the community. One of those principles is the *Health Community Guiding Principle* that states: "Everyone in Menlo Park enjoys healthy living spaces, high quality of life, and can safely walk or bike to fresh food, medical services, employment, recreational facilities and other daily destinations; land owners and occupants take pride in the appearance of property; Menlo Park achieves code compliance and promotes improvements that promote safety and healthy-living; and the entire city is well-served by emergency services and community policing." The goal is a sustainable, healthy environment for all community members both now and in the future.

Background

The Center for Disease Control and Prevention has stated that a novel coronavirus ("COVID-19) is a serious public health threat. On March 3, 2020, the San Mateo County Health Officer declared a local health emergency throughout San Mateo County related to COVID-19. On March 4, the Governor of the State of California declared a state of emergency. On March 11, the World Health Organization declared COVID-19 constituted a world pandemic. On March 11, the City Council of the City of Menlo Park declared a local emergency based on COVID-19 and the city is empowered to take actions to preserve and protect the health and safety of their communities in light of their own circumstances.

Analysis

The members of the Race, Equity and Leadership ("REAL") Council of the National League of Cities are calling on city leaders across the country to issue a statement or formal resolution affirming their commitment to values of equity, fairness, and justice in responding to COVID-19. The REAL Council developed sample language that city leaders can use in these statements and those statements have been included in the proposed resolution. These statements, reflected in the proposed resolution, are consistent with the City of Menlo Park Healthy Community Guiding Principle to ensure the entire city is well-served by emergency services and achieves a healthy environment for all community members both now and in the future. Stating the community's shared values is an important part of framing the city's responses to COVID-19 across the city and its commitment to local action.

Impact on City Resources

There is no impact on City resources.

Public Engagement

There was no public engagement process conducted in the preparation of this report beyond posting on the agenda.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6553
- B. Hyperlink – Link to National League of Cities: citiesspeak.org/2020/03/19/prioritize-equity-in-covid-19-response/
- C. Support for Menlo Park's Participation in Government Alliance for Racial Equity (GARE) – San Mateo County Health Department

Report prepared by:

Leigh F. Prince, Assistant City Attorney
Cara E. Silver, Interim City Attorney

RESOLUTION NO. 6553

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
AFFIRMING THE CITY OF MENLO PARK'S COMMITMENT TO VALUES OF
EQUITY, FAIRNESS, AND JUSTICE IN RESPONDING TO COVID-19**

WHEREAS, the Centers for Disease Control and Prevention has stated that a novel coronavirus ("COVID-19") is a serious public health threat;

WHEREAS, on March 3, 2020, the San Mateo County Health Officer declared a local health emergency throughout San Mateo County related to COVID-19;

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency related to COVID-19;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 constituted a world pandemic;

WHEREAS, on March 11, 2020, the City Council of the City of Menlo Park declared a local emergency based on the current COVID-19 world pandemic;

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order No. N-33-20 ordering all individuals in the State of California to stay home and empowered local cities to take actions to preserve and protect the health and safety of their communities in light of their own circumstances;

WHEREAS, the CDC has stated that older adults and people with serious chronic medical conditions like heart disease, diabetes, and lung disease are more susceptible to contracting COVID-19 and more likely to die as a result of such disease;

WHEREAS, the City of Menlo Park values all members of the community and is a community characterized by diversity, multiculturalism, and unity, embodied in our national motto, E Pluribus Unum (from many, one);

WHEREAS, the City of Menlo Park's community ethos is one of protection and support, with many individuals active as volunteers in preparing for and responding to emergencies and ensuring the physical and emotional needs of all are considered and met wherever possible; and

WHEREAS, the members of the Race, Equity and Leadership Council of the National League of Cities are calling on city leaders across the country to issue a statement or formal resolution affirming their commitment to values of equity, fairness, and justice in responding to COVID-19.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby affirm the City's commitment to values of equity, fairness and justice in responding to COVID-19 and further resolve that:

1. The City of Menlo Park is committed to considering racial equity in the City's responses to the COVID-19 global pandemic.
2. The City of Menlo Park will pay special attention to protecting its most vulnerable residents.
3. The City of Menlo Park will dedicate its resources, platforms, political will and authority to identifying and addressing the ways that this infection may exacerbate inequities in the community.
4. Historically, fear has been used to drive communities apart and scapegoat those perceived to be "other." The City of Menlo Park is committed to setting a tone that rejects these tendencies.
5. As local leaders, the City Council of the City of Menlo Park will work to ensure that this crisis does not exacerbate existing inequities. This includes recognizing that risks and burdens are often borne disproportionately by communities of color and low-income people.
6. This moment is an opportunity for our city to better understand how we are all affected when some of us lack the protections of a safety net.
7. The City of Menlo Park commits to working with and supporting the County of San Mateo's efforts in lifting up the medical and social needs of the most marginalized members of our communities to ensure that we are all safe and healthy.
8. This moment is an opportunity for the City of Menlo Park to better understand how we are all affected when some of us lack the protections of a safety net.

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the seventh day of April, 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this seventh day of April, 2020

Judi A. Herren, City Clerk



SAN MATEO COUNTY HEALTH
**PUBLIC HEALTH,
POLICY & PLANNING**

Dr. Scott Morrow, Health Officer
Cassius Lockett, PhD, Director

Public Health, Policy & Planning
225 37th Avenue
San Mateo, CA 94403
smchealth.org

February 25, 2020

RE: Support for Menlo Park's Participation in Government Alliance for Racial Equity (GARE)

To Whom It May Concern,

On behalf of the Health, Policy & Planning Program, I am writing to express my deep appreciation and support for Menlo Park's interest in becoming a member of the Government Alliance for Racial Equity at Race Forward. Taking steps to acknowledge racial inequities and develop intentional plans to overcome them is vital and bold. While government jurisdictions across the Bay Area, California and the nation have become members of GARE, Menlo Park would be the first city in San Mateo County to take on this important approach to good governance.

San Mateo County Health joined GARE approximately three years ago. We looked at data by race and place where possible and could not ignore the inequities our communities of color face. The racial inequities in our communities are vast and persistent across many issue areas. In particular, as County Health, we are concerned about racial health inequities. GARE provided an effective pathway to educate our workforce and develop a clear action plan to codify our goals and strategies to advance racial equity.

Within the first year, we educated a cross-divisional cohort and developed a Racial Equity Action Plan. We prioritized items in the action plan and began to implement a training for supervisors and managers on racial equity. We then developed a train the trainers model and are now rolling out all-staff trainings within divisions. We conducted a survey of our employees, looked at our employee data by race and classification, developed metrics for success, and continue to revise our goals and strategies. We have also begun to analyze the demographics of our boards and commissions with the goal of supporting the recruitment and retention of boards that are as diverse as the communities they serve. We have conducted cultural humility trainings, defined complex terms, and held educational sessions as a community of practice to follow trainings. We have many more goals we are rolling out across divisions as we continue to expand the staff that are educated and engaged on this topic. We are going deep as we go broader. This is an urgent topic and people have been waiting too long for this issue to get the attention it deserves.

With the support of leadership, staff commitment and as much resources as we could find, we have come a long way in the short period of time. The commitment of action planning is the first step and we encourage you not to delay the process. Jurisdictions around us have made amazing strides with inclusive budgeting policy and practice, strong HR policies, targeted





SAN MATEO COUNTY HEALTH
**PUBLIC HEALTH,
POLICY & PLANNING**

procurement practices, workforce capacity building, and programmatic approaches that have made a real difference in the lives of their communities.

As part of Health, Policy and Planning's mission to create healthy, equitable communities, we are thrilled that you are taking this important step and encourage you to be bold and focused in year one to ensure a clear plan is developed and capacity and leadership is built to make strides against racial inequities.

If you have any questions, please contact Shireen Malekafzali, Senior Manager for Policy, Planning and Equity 650.573.2951. Thank you for your attention on this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Shireen Malekafzali', with a stylized flourish at the end.

Shireen Malekafzali, Senior Manager for Policy, Planning and Equity
CC: Cassius Lockett, Director, Public Health, Policy & Planning



STAFF REPORT

City Council

Meeting Date:

4/7/2020

Staff Report Number:

20-072-CC

Study Session:

City Council priorities and status of City operations

Recommendation

As a study session, staff requests City Council direction on the following items

1. Confirm the City's local emergency priorities
2. Confirm the City Council's prioritized projects for the balance of 2019-20
3. Receive an update on City operations during the stay-at-home order

Policy Issues

Under normal circumstances, the City Council delegates authority to the city manager to determine operations of the organization. With the City Council's March 11 ratification of the city manager's proclamation of a local emergency (Resolution No. 6550), the City Council further delegated authority to the City Manager (aka direct of emergency services per Menlo Park Municipal Code Chapter 2.44) to implement sweeping changes to public services to execute orders by the San Mateo County health officer.

Background

After the City Council's March 11 adoption of Resolution No. 6550 (Attachment A,) the City closed all public facilities as of opening business March 12. Due to the social safety net the City's child care and senior services provide to the community, those facilities closed at the end of business day March 13. On March 15 following direction from San Mateo County Health Officer for extreme social distancing, the City ordered all employees to work remotely until further notice. With subsequent stay-at-home orders by State and County officials, the City's facilities remain closed until May 3. City staff continues to work through the facility closure, to the greatest extent possible.

Analysis

The study session presentation will be divided into three sections for City Council consideration and direction as follows in this section.

Section 1. Priorities during the local emergency and stay-at-home order

1. Protect public health
2. Protect employee safety through recommended social distancing protocols and personal protective equipment for employees providing essential services to the public
3. Provide services to the public with available staff resource prioritized as follows:
 - A. Essential services outlined in the city manager's proclamation
 - B. Services mandated by federal, state or local law
 - C. Baseline services, to the extent possible given social distancing protocols
4. Assess the fiscal impacts of the emergency and provide a budget amendment if necessary

5. Building and construction inspection of development projects with over 10 percent of housing units designated as affordable (applicable to 1300 El Camino Real and 1540 El Camino Real)

Section 2. City Council priority projects during the local emergency and stay-at-home order

1. Belle Haven community center and library
2. Emergency water supply well at the corporation yard
3. Monte Rosa water main replacement project
4. Implementation of the information technology master plan to automate services
5. Other projects and priorities identified in the City Council's 2019 priorities and work plan

Section 3. Receive an update on City operations during the local emergency and stay-at-home order.

A representative for each department will provide an overview of current work efforts underway in their departments. Also, the emergency operations center staff will provide an update of their work over the past several weeks.

Impact on City Resources

City staff continues to work on identifying the impact of the local emergency and stay-at-home order on City finances. A comprehensive financial update is scheduled for late April.

Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it will not result in any direct or indirect physical change in the environment.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6550
- B. Hyperlink – Municipal Code Section 2.44 Emergency Services;
codepublishing.com/CA/MenloPark/#!/MenloPark02/MenloPark0244.html#2.44

Report prepared by:
Nick Pegueros, Assistant City Manager

RESOLUTION NO. 6550**URGENCY RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK RATIFYING THE PROCLAMATION OF EXISTENCE OF LOCAL EMERGENCY ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES AND FURTHER PROCLAIMING THE CONTINUED EXISTENCE OF THE EMERGENCY**

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park authorizes the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim a local emergency when the City is threatened by conditions of a disaster or extreme peril to safety persons and property with the City that are likely to be beyond the control of the services, personnel, equipment and facilities of the City and require the combined forces of other political subdivisions to combat and the City Council is not in session; and subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, on March 11, 2020, the Director proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within City resulting from COVID-19 and the Director's March 11, 2020 proclamation is Exhibit A to this resolution; and

WHEREAS, said City Council does hereby find that the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency; and

NOW, THEREFORE, the City Council of Menlo Park does hereby:

1. Ratify and confirm the proclamation of existence of a Local Emergency, as issued by the Director of Emergency Services for the City of Menlo Park, as attached in Exhibit A, and a Local Emergency now exists throughout the City of Menlo Park, California;
2. During the existence of this Local Emergency, the Director of Emergency Services shall have the authority to adopt emergency orders or regulations to ensure the health and wellbeing of the public and mitigate the effects of the Local Emergency;
3. During the existence of this Local Emergency, the powers, functions and duties of the Director of Emergency Services and the City Council shall be those prescribed by state law, by the existing ordinances and resolutions of the City Council as well as this resolution and any subsequent emergency orders or regulations adopted by the City Council or Director of Emergency Services.
4. This Local Emergency shall continue until it is terminated by proclamation of the City Council. Pursuant to Section 8630 of the Government 5 Code, the City Council shall proclaim the termination of a local emergency at the earliest possible date that conditions warrant. The need for continuing this local emergency shall be reviewed within 60 days by the City Council.

I, Judi Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the eleventh day of March, 2020, by the following votes:

||

||

AYES: Carlton, Combs, Mueller, Nash, Taylor

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City
on this eleventh day of March, 2020



Judi A. Herren, City Clerk

PROCLAMATION OF LOCAL EMERGENCY BY THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF MENLO PARK

WHEREAS, Chapter 2.44 of the Municipal Code of the City of Menlo Park empowers the Director of Emergency Services ("Director") of the City of Menlo Park ("City") to proclaim the existence or threatened existence of a local emergency when the City is threatened by conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of the City that are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat, and the City Council is not in session; subject to ratification by the City Council within twenty four (24) hours; and

WHEREAS, the Director hereby finds conditions of extreme peril to the safety of persons and property have arisen within the City due to the following:

The Centers for Disease Control and Prevention has stated that a novel coronavirus named "COVID-19" is a serious public health threat, based on current information.

The County of San Mateo's Health Officer issued a statement on March 10, 2020, that evidence exists of widespread community transmissions of COVID-19 in San Mateo County. The Health Officer further clarified that implementation of activities prescribed in his statement March 5, 2020, is now critical; and

WHEREAS, implementation of the Health Officer's direction may have immediate or future impacts on the City's ability to provide services to the community as follows:

Urgent modification to City services, including temporary closure of the Menlo Park Senior Center, cancellation of upcoming non-essential City sponsored events and meetings, temporary suspension of all employee travel, and increase telework by city employees; and

Additional service impacts such as temporary closure of the following facilities and/or temporary cancellation of programs and services impacting the Arrillaga Family Recreation Center, Arrillaga Family Gymnastics Center, Arrillaga Family Gymnasium, Belle Haven after school program, Belle Haven Child Development Center, Belle Haven Pool, Burgess Pool, Menlo Children's Center, Onetta Harris Community Center, main library, branch library, and city hall including planning and building services; and

Reassignment of available staff to deliver the following essential services necessary to protect life and property of the Menlo Park community: police patrol, police dispatch and records, potable water to Menlo Park Municipal Water customers, emergency building inspections, public works emergency response, public information and City Council support, and the internal services necessary to support essential services including payroll, accounts payable, procurement, information technology, and critical fleet maintenance; and

Reassignment of staff may impair ability to make progress on City Council priorities and work plan and comply with mandated state and federal reporting; and

WHEREAS, the economic impact of COVID-19 is projected to cause significant reductions in City transient occupancy tax, sales tax, property transfer tax, permits and licenses, and fees for service revenues; and

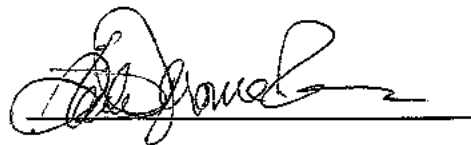
WHEREAS, City commits to meet and confer in good faith with employee bargaining groups regarding impacts on working conditions resulting from the City's emergency response or potential economic downturn; the commitment to meet and confer in good faith shall not impede the City's ability to protect life and safety of the Menlo Park community; and

WHEREAS, That the aforesaid conditions of extreme peril warrant and necessitate the proclamation of a Local Emergency;

NOW, THEREFORE, the Director of Emergency Services does hereby proclaim:

1. The existence of a local emergency within the City of Menlo Park on the eleventh day of March, 2020 and;
2. That during the existence of said Local Emergency, the powers, functions and duties of the Director of Emergency Services shall be those prescribed by state law and the ordinances, resolutions, and approved plan of the City in order to mitigate the effects of said Local Emergency, and
3. That the Local Emergency shall be deemed to continue to exist for the next seven (7) days, and hereafter by ratification of the City Council, until its termination is proclaimed by the City Council of the City of Menlo Park.

Dated:



Director of Emergency Services