

CITY OF MONTCLAIR
***REVISED* AGENDA FOR REGULAR CITY COUNCIL,**
SUCCESSOR AGENCY, MONTCLAIR HOUSING CORPORATION,
MONTCLAIR HOUSING AUTHORITY, AND MONTCLAIR COMMUNITY
FOUNDATION MEETINGS

To be held in the Council Chambers
5111 Benito Street, Montclair, California

March 16, 2020

7:00 p.m.

As a courtesy, please silence your cell phones and other electronic devices while the meeting is in session.

Persons wishing to speak on an agenda item, including closed session items, are requested to complete a yellow Speaker Information Card located at the entrance of the Council Chambers and present it to the City Clerk prior to consideration of the item. The Mayor/Chair (or the meeting's Presiding Officer) will recognize those who have submitted a card at the time of the item's consideration by the City Council/Board of Directors/Commissioners, and speakers may approach the podium to provide comments on the item at that time.

Audio recordings of the CC/SA/MHC/MHA/MCF meetings are available on the City's website at www.cityofmontclair.org and can be accessed by the end of the next business day following the meeting.

- I. CALL TO ORDER** City Council [CC], Successor Agency Board [SA],
Montclair Housing Corporation Board [MHC],
Montclair Housing Authority Commission [MHA],
Montclair Community Foundation Board [MCF]

II. INVOCATION

In keeping with our long-standing tradition of opening our Council meetings with an invocation, this meeting may include a nonsectarian invocation. Such invocations are not intended to proselytize or advance any faith or belief or to disparage any faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.

III. PLEDGE OF ALLEGIANCE

IV. ROLL CALL

V. PRESENTATIONS

- A. Presentation of Annual Donation by the Montclair Chamber of Commerce to the Montclair Community Foundation for the Montclair to College Program
- B. Proclamation Declaring April 2020 as "DMV/Donate Life California Month" in the City of Montclair

VI. PUBLIC COMMENT

This section is intended to provide members of the public with an opportunity to comment on any subject that does not appear on this agenda. Each speaker will be afforded up to five minutes to address the City Council/Boards of Directors/Commissioners. (Government Code Section 54954.3)

Under the provisions of the Brown Act, the meeting bodies are prohibited from participating in substantial discussion of or taking action on items not listed on the agenda.

VII. PUBLIC HEARINGS — None

VIII. CONSENT CALENDAR

- A. Approval of Minutes
1. Adjourned Meeting — November 4, 2019 [CC]
 2. Special Meeting — November 12, 2019 [CC]
 3. Adjourned Special Meeting — November 18, 2019 [CC]
 4. Adjourned Meeting — December 2, 2019 [CC]
 5. Regular Joint Meeting — March 2, 2020 [CC/SA/MHC/MHA/MCF]

B. Administrative Reports	
1. Consider Receiving and Filing of Treasurer’s Report [CC]	4
2. Consider Approval of Warrant Register & Payroll Documentation [CC]	5
3. Consider Receiving and Filing of Treasurer’s Report [SA]	6
4. Consider Approval of Warrant Register [SA]	7
5. Consider Receiving and Filing of Treasurer’s Report [MHC]	8
6. Consider Approval of Warrant Register [MHC]	9
7. Consider Receiving and Filing of Treasurer’s Report [MHA]	10
8. Consider Approval of Warrant Register [MHA]	11
9. Consider Setting a Public Hearing for Monday, April 6, 2020 at 7:00 p.m. in the City Council Chambers to Consider Adoption of Resolution No. 20-3260 Amending the Master User Fee Schedule [CC]	12
10. Consider Approval of the Fiscal Year 2019–20 Schedule of Recommendations from the Community Activities Commission for Community Benefit Funding [CC]	19
11. Consider Approval of Parcel Merger No. 2020–1 for Seven Parcels Generally Located on the Southeast Corner of Monte Vista Avenue at State Street [CC]	22
12. Consider Authorizing a \$3,500 Appropriation from the State Asset Forfeiture Fund for the Purchase of Goods and Services for the San Bernardino County Peace Officers Memorial Ceremony to be Held at the Police Department Facility [CC]	31
13. Consider Declaring Certain City Property as Surplus and Available for Auction or Destruction [CC]	32
C. Agreements	
1. Consider Approval of Agreement No. 20-05-I-103, an Irrevocable Annexation Agreement with Maurilio Escamilla for 11168 Roswell Avenue, Pomona (APN 1012-421-29-0000) [CC]	52
2. Consider Approval of Agreement No. 20-18 with L.D. King, Inc. for Plan Check and Design Services [CC]	58
3. Consider Approval of Agreement No. 20-20 with the County of San Bernardino for Continued Participation in the State’s California Identification System [CC]	62
4. Consider Approval of Agreement No. 20-21, a Purchase and Sale Agreement with Dolores Casa Fimbres for the Single-Family Residence Located At 5072 Moreno Street [CC]	
Consider Authorizing a \$447,000 Appropriation from the Housing Trust Fund for Acquisition and Closing Costs for the Property Located at 5072 Moreno Street [CC]	67
D. Resolutions — None	

IX. PULLED CONSENT CALENDAR ITEMS

X. BUSINESS ITEMS

- A. Consider Voting to Bring Resolution No. 20-3263 Before the City Council for Consideration as an Urgency Measure [CC]

Consider Adoption of Resolution No. 20-3263, a Resolution of the City Council of the City of Montclair Declaring that a Local Public Health Emergency Exists in the City of Montclair, and that by This Proclamation Hereby Establishes City Eligibility for Federal and State Funding Assistance [CC]

Consider Authorizing the Transfer of Up to \$200,000 from the General Fund Reserve Fund to the Contingency Account to Assist With Administration and Provision of the Services, Actions, and Assistance as Provided for in Resolution No. 20-3263 [CC]

XI. COUNCIL WORKSHOP

- A. SB 743 - CEQA Analysis of Transportation Impacts

(The City Council may consider continuing this item to a joint special meeting with the Planning Commission on Monday, March 30, 2020, at 6:00 p.m. in the City Council Chambers)

- B. Systemic Safety Analysis Report Program (SSARP)

(The City Council may consider continuing this item to an adjourned meeting on Monday, April 6, 2020, at 5:45 p.m. in the City Council Chambers)

XII. COMMUNICATIONS

- A. City Department Reports

- 1. Human Services Department — Upcoming Events & Programs

- B. City Attorney

- 1. Request for City Council to Meet in Closed Session Pursuant to Government Code §54956.9(d)(1) Regarding Pending Litigation [CC]

Carrillo v. City of Montclair

- C. City Manager/Executive Director

- D. Mayor/Chairperson

- E. Council Members/Directors

- F. Committee Meeting Minutes *(for informational purposes only)*

- 1. Personnel Committee Meeting — March 2, 2020 [CC]

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XIII. CLOSED SESSION

XIV. CLOSED SESSION ANNOUNCEMENTS

XV. ADJOURNMENT

The next regular joint meeting of the City Council, Successor Agency Board, Montclair Housing Corporation Board, Montclair Housing Authority Commission, and Montclair Community Foundation Board will be held on Monday, April 6, 2020, at 7:00 p.m. in the City Council Chambers.

Reports, backup materials, and additional materials related to any item on this Agenda distributed to the Acting Bodies after publication of the Agenda packet are available for public inspection in the City Clerk's Office at 5111 Benito Street, Montclair, California, between 7:00 a.m. and 6:00 p.m., Monday through Thursday.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 625-9416. Notification 2 business days prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

I, Andrea M. Phillips, City Clerk, hereby certify that I posted, or caused to be posted, a copy of this Agenda not less than 72 hours prior to this meeting on the bulletin board adjacent to the north door of Montclair City Hall at 5111 Benito Street, Montclair, CA 91763 on Thursday, March 12, 2020.



CITY COUNCIL AGENDA REPORT

DATE: MARCH 16, 2020 **FILE I.D.:** CYC243/CMR650
SECTION: BUSINESS ITEMS **DEPT.:** CITY MGR.
ITEM NO.: A **PREPARER:** E. STARR
SUBJECT: CONSIDER VOTING TO BRING RESOLUTION NO. 20-3263 BEFORE THE CITY COUNCIL FOR CONSIDERATION AS AN URGENCY MEASURE

CONSIDER ADOPTION OF RESOLUTION NO. 20-3263, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR DECLARING THAT A LOCAL PUBLIC HEALTH EMERGENCY EXISTS IN THE CITY OF MONTCLAIR, AND THAT BY THIS PROCLAMATION HEREBY ESTABLISHES CITY ELIGIBILITY FOR FEDERAL AND STATE FUNDING ASSISTANCE

CONSIDER AUTHORIZING THE TRANSFER OF UP TO \$200,000 FROM THE GENERAL FUND RESERVE FUND TO THE CONTINGECNY ACCOUNT TO ASSIST WITH ADMINISTRATION AND PROVISION OF THE SERVICES, ACTIONS, AND ASSISTANCE AS PROVIDED FOR IN RESOLUTION NO. 20-3263

REASON FOR CONSIDERATION: The City Council provides direction to City staff for the preparation and carrying out of plans for the protection of persons and property within the City of Montclair in the event of an emergency.

A local emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within the City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, or other conditions.

Resolution No. 20-3263 proclaims that a local public health emergency exists in the City of Montclair.

Resolution No. 20-3263 is an urgency measure. To place an urgency measure on the agenda, at least 4 of the 5 members of the City Council must vote to approve bringing the urgency measure before the City Council for consideration, and at least 4 members of the City Council must vote to approve the urgency measure.

BACKGROUND: On March 4, 2020, California Governor Gavin Newsom issued a [proclamation declaring a State of Emergency](#) to prepare for, contain, and respond to mitigating the effects of, and recovery from, the spread of the COVID-19 virus (novel coronavirus 2019) in the state of California. The Governor's proclamation was introduced as the number of deaths and positive COVID-19 cases in California increased.

According to the State of Emergency declaration, the State of California is deploying every level of government to help identify cases and slow the spread of the COVID-19 virus, and the emergency proclamation will help the state further prepare California's communities and the state's health care system in the event the virus spreads more broadly.

The Governor's emergency proclamation includes provisions that protect consumers against price gouging, allow for health care workers to come from out of state to assist at health care facilities, and give health care facilities the flexibility to plan and adapt to accommodate incoming patients.

Other provisions in the proclamation include the following:

- Waiving, for the duration of a local health emergency and until the local governing authority terminates the local health emergency, the 30-day time period on local health emergencies as provided in Health and Safety Code Section 101080.
- Waiving, for the duration of a local health emergency and until the local governing authority terminates the local health emergency, the 60-day time period on local emergencies as provided in Government Code Section 8630.
- EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority.

On March 12, 2020, Governor Gavin Newsom issued [Executive Order No. N-25-20 enhancing-state and local governments ability to respond to the COVID-19 pandemic.](#) Significant provisions in the Executive Order include the following:

- State and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events.
- All California residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of "social distancing" measures, to control the spread of COVID-19.
- The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency.
- The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available – including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property – hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.
- Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing.

All requirements in both the Bagley-Keene Act and the Brown Act expressly or implicitly requiring the physical presence of members, the clerk or other personnel

of the body, or of the public as a condition of participation in a quorum for a public meeting are hereby waived.

Any otherwise-applicable requirements under the Bagley-Keene and the Brown Act, are suspended on the conditions that each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act. Furthermore, each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's right of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act.

On March 11, 2020, the California Department of Public Health issued [Gathering Guidance](#) to protect public health and slow the rate of transmission of COVID-19.

According to the Guidance, gatherings should be postponed or canceled across the state of California for at least the remainder of the month of March 2020, or until further notice. **However, on March 15, 2020, the U.S. Center for Disease Control (CDC) changed the guidance to eight weeks, with a May 10, 2020 expiration, or until further notice, and redefined a "large" or "mass" gathering to be 50 or more people.**

A "gathering", under the state definition, is any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space

Provisions of the Guidance follow:

- Large gatherings that include 250 people (changed to 50 by the CDC) or more should be postponed or canceled.
 - This includes gatherings such as concerts, conferences, and professional, college, and school sporting events.
- Smaller gatherings held in venues that do not allow "social distancing" of six feet per person should be postponed or canceled.
 - This includes gatherings in crowded auditoriums, rooms or other venues, and the venue space does not matter;
 - Achieving space between individuals of approximately six feet is advisable;
 - Additionally, there is a particular focus on creating space between individuals who have come together on a one-time or rare basis and who have very different travel patterns, such as those coming from multiple countries, states or counties;
 - "Social distancing" is a practice recommended by public health officials to stop or slow down the spread of contagious diseases; and its effective implementation requires the creation of physical space between individuals who may spread certain infectious diseases; and the key is to minimize the number of gatherings as much as possible and to achieve space between individuals when events or activities cannot be modified, postponed, or canceled.

- Gatherings of individuals who are at higher risk [60+ years of age or older and those with underlying health conditions] for severe illness from COVID-19 should be limited to no more than 10 people.
 - This includes gatherings such as those at retirement facilities, assisted living facilities, developmental homes, and support groups for people with health conditions.

The above Gathering Guidance applies to all non-essential professional, social, and community gatherings regardless of their sponsor; and gatherings that do not meet the aforementioned criteria should only be conducted when they are essential—that is, if the activity is essential and could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function. The Gathering Guidance does not apply to activities such as attendance at regular school classes, work, or essential services.

On March 12, 2020, the [San Bernardino County Public Health Department ordered cancellation of gatherings](#) in compliance with the [Gathering Guidance](#) issued on Wednesday, March 11, 2020, by the California Department of Public Health.

Shortly following issuance of the Gathering Guidance, the Chaffey Joint Union High School District (CJUHS), the Ontario-Montclair School District and other school districts, colleges and universities announced the temporary suspension of in-class instruction and all school activities, with most of them going in to effect as part of an extended Spring Break, with return to regular classes beginning on or about Monday, April 6, 2020, or, in the case of colleges and universities, students are to be at least partly transitioned indefinitely to online instruction.

On March 13, 2020 the U.S. House of Representatives sent to the Senate a large-scale COVID-19 relief package that includes the following:

- Free COVID-19 testing: Federal health providers such as Medicare and Medicaid, and private health insurers, are required to provide free COVID-19 testing.
- Expanded funding for food security programs: The Special Supplemental Nutrition Program for Women, Infants and Children, the Emergency Food Assistance Program, and the Senior Nutrition Program will receive supplemental funding to assist Americans affected by the virus, and the package also provides funding for state waivers to pay for meals for children who normally receive meal services at school.
- Emergency family and sick leave:
 - Employees of companies with fewer than 500 employees may take up to 12 weeks of protected family and medical leave, including two weeks at full pay, with any additional weeks taken with no less than two-thirds of the employee's usual pay, to either quarantine or seek preventative care.
 - Small- and mid-size businesses would receive tax credits to pay for medical and family leave of up to 100% of the wages they pay out.
 - Employers with fewer than 500 employees are required to provide two weeks of sick leave at full pay for employees who are seeking treatment for the virus.

- Self-employed individuals would receive tax credits to receive paid leave.
- Employees would be eligible for paid sick leave if they have a child whose school or childcare facility is closed due to the COVID-19 virus, paid at not less than two-thirds of regular pay.
- Unemployment insurance: States will receive additional funding to provide unemployment insurance should there be an increase in uninsured people.
- Medicaid funding: The bill strips employment requirements for Medicaid, and increases Medicaid funding through 2021.
- All provisions of [HR 6201, the Families First Coronavirus Response Act or COVID-19 Health Care Worker Protection Act of 2020](#) is subject to change and final approval by the U.S. Senate and by Conference Committee.

On March 13, 2020, President Trump declared a national emergency to offset lagging coronavirus testing and unlock \$50 billion in Federal Emergency Management Agency (FEMA) funds. The emergency declaration outlines a series of agreements with private companies to facilitate swifter COVID-19 testing for Americans, and the set aside of parking lot spaces for testing sites.

The emergency declaration authorizes the U.S. Department of Health and Human Services to waive certain Medicare, Medicaid, and Children's Health Insurance program requirements in an effort to bypass certain regulatory requirements.

The Trump Administration says 1.4 million COVID-19 test kits will be available during the week of March 16-22, and five million would be available within 30 days. However, federal health officials caution Americans to expect developments related to the COVID-19 pandemic to worsen.

Section 6.080.060(A)(1) of Chapter 6.08 of Title 6 of the Montclair Municipal Code provides that the City Manager, as Director of Emergency Services, is empowered to request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session; provided, however, whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect. Adoption of Resolution No. 20-3263 fulfills this requirement and provides that, in addition to the ordinary powers and duties of the City Manager, Chapter 6.08 confers all of the special powers enumerated in Chapter 6.08 and any powers conferred in the City of Montclair Emergency Plan, as prepared by the Montclair Disaster Preparedness Council, which plan shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency or state of emergency, provided such plan is adopted by resolution of the City Council.

Responsibilities of the Director of Emergency Services include the following:

- Making and issuing rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council.

- Obtaining vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.
- Requiring emergency services of any City office or employee, and to command the aid of as many citizens of this community as the Director deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for duly registered disaster workers.
- Requisition necessary personnel or material of any City department or agency.

Due to the urgent nature of the emerging COVID-19 pandemic and its disruption of everyday life, Proclamation No. 20-0001 provides for the City Council to declare that a local public health emergency exists in the City of Montclair, and by that declaration establishes the City of Montclair's eligibility for any federal and state funding assistance related to the public health emergency and the COVID-19 pandemic.

Adoption of Proclamation No. 20-0001 further provides that the City Manager, as Director of Emergency Services, is directed to execute the purpose and intent of Proclamation No. 20-0001 and carry out the powers and duties so authorized pursuant to the Proclamation and Section 6.08.060 of Chapter 6.08 of Title 6 of the Montclair Municipal Code, and to report, as necessary, to the Disaster Preparedness Council as that Council is defined and empowered pursuant to Sections 6.08.030 and 6.08.040 of Chapter 6.08 of Title 6 of the Montclair Municipal Code.

The City Council also authorizes and directs that the City Manager, as Director of Emergency Services, shall consider and act on the following:

1. Maintain a local COVID-19 information page on the City's Homepage at <https://cityofmontclair.org/residents/the-novel-coronavirus-covid-19> to regularly update the City Council and residents of Montclair on the latest local events related to the COVID-19 virus.
2. Work with the City's partners in the health care system to ensure Montclair residents have access to a robust plan to monitor for, detect and, if needed, isolate any cases of the COVID-19 virus.
3. Monitor local hospitals for potential cases of the COVID-19 virus in the local area.
4. Work with the [San Bernardino County Department of Public Health](#) to ensure services are available to Montclair residents who may have contracted COVID-19, and ensure access to regional health care services provided through [Arrowhead Regional Medical Center](#).
5. Ensure that Montclair's emergency service providers, including police, fire, and emergency medical paramedics have the proper equipment and capacity to respond to calls for service and direct patients with COVID-19 to the proper medical health agencies.
6. Offer available specialized training to public safety personnel to ensure proper response to COVID-19 related service calls.

7. Work with mutual aid partners to ensure extended coverage throughout the mutual aid region to ensure available public safety staffing.
8. Work with federal, state and local health agencies to ensure Montclair residents have access to COVID-19 test kits as available, and provide support, as required, related to traffic control around testing centers.
9. Train personnel at the Montclair Medical Clinic to recognize symptoms related to the COVID-19 virus.
10. Work with federal, state and county partners to properly plan and train for responses to any emergency or outbreak related to the COVID-19 virus.
11. Regularly meet with hospitals, City paramedics and local public health centers to obtain the latest information related to the COVID-19 virus and its spread in the community and region.
12. Regularly meet with the Ontario-Montclair Schools District (OMSD) and Chaffey Joint Union High School District (Montclair High School) officials to ensure the health and safety of the community's youth, and to discuss any need or requirement to close or extend the closure of schools and suspension of classes.
13. Comply with the Guidance Gathering issued by the California Department of Public Health and the CDC, and any extensions thereof.
14. Comply with social distancing requirements issued by the California Department of Public Health and the CDC, and any extensions thereof.
15. Suspend extra-curricular and co-curricular activities for all OMSD schools and CJUHSD in cooperation with the Superintendents of OMSD and CJUHSD.
16. Suspend non-essential City-sponsored activities in compliance with the Guidance Gathering and social distancing requirements issued by the California Department of Public Health to dates to be determined, but at least through May 10, 2020, such non-essential City-sponsored activities to include the following — additional activities may be added, while others may be removed from the list based on program/activity requirements, extension of the Gathering Guidance, and other exigent circumstances:
 - a. After-School Program activities (provide for the re-tasking of ASP employees, as required and permitted pursuant to employment agreements);
 - b. City-sponsored academic and athletic competitions;
 - c. Recognition/Awards Events (e.g., Montclair to College graduation, Public Safety Recognition Luncheon, CAC ceremonies);
 - d. Open House events (e.g., Public Safety Open House);
 - e. Scheduled large- and medium-size public gatherings that would fail to comply with social distancing requirements, including private large- and medium-size gatherings, at City facilities including, but not limited to:

- ✓ Country Fair Jamboree
 - ✓ Summer Recreation Program Kickoff
 - ✓ Health Fair
 - ✓ Easter Eggstravaganza
 - ✓ Senior Citizen Program activities including, but not limited to Nutrition Program (transition to box lunches), monthly Senior Citizen party, and trips
 - ✓ Community Prayer Luncheon
 - ✓ Memorial Day Event
 - ✓ Peace Officers Memorial Ceremony
 - ✓ Youth Center activities
 - ✓ Mini-school Program – unless the necessity for child care services becomes an overriding consideration; provided, however, the City may operate child care services for employees of the City to ensure the maintenance of essential services
 - ✓ Human Services-sponsored recreation activities including, but not limited to, scheduled classes, youth and adult sports leagues, and other qualifying events
 - ✓ Suspend yard sale program
 - ✓ Private events using City-rented facilities including, but not limited to weddings, social gatherings, and other events
 - ✓ Public restrooms that cannot be maintained in a sanitary condition
 - ✓ Alma Hofman Park Splash Pad
 - ✓ And other City-sponsored activities as determined necessary, through June 30, 2020, unless otherwise altered by direction of the City Council
- f. Scheduled small public gatherings, including private gatherings at City facilities, that fail to achieve the ability to comply with social distancing requirements, or as otherwise represent a danger to individuals who are at higher risk [60-years of age or older and those with underlying health conditions] for severe illness from the COVID-19 virus (e.g., activities at the Senior Center; also, allow no more than ten senior citizens on the Golden Express transportation service at any one time);
- g. Both large and small private gatherings at private facilities, including, but not limited to, concert halls, churches, sports stadiums, restaurants, bars, breweries, entertainment zones, private residences, hotels, and other private facilities shall be required to self-regulate; provided, however, in the event self-regulation fails, the City may adopt rules and regulations to require compliance with applicable Gathering Guidance provisions;

- h. On March 15, 2020, the U.S. Center for Disease Control (CDC) changed the Gathering Guidance to eight weeks from Sunday, March 15, 2020, thereby extending the Gathering Guidance to May 10, 2020. Furthermore, the CDC redefined a "large" or "mass" gathering to be 50 or more people. In anticipation of further extensions, the City proposes extending the local Gathering Guidance date restriction to June 30, 2020, to effectuate proper planning and execution of programs and activities. Revision of the June 30, 2020, Gathering Guidance date will be subject to revision by the City Council.
17. Meet with businesses, such as Costco, Target and Montclair Place, to determine means to control panic shopping and address the undisciplined assembling of shoppers prior to, and after, store openings.
 18. Suspend operation of City-operated weight/exercise rooms at all City facilities.
 19. Suspend rental of City facilities for large and small events in compliance with California Department of Public Health and CDC Gathering Guidance.
 20. Implement restrictions on employee travel to conferences and seminars:
 - a. Allow employees to cancel travel to scheduled conferences and seminars with no fiscal penalty to employees; provided, however, employees shall seek to recover refunds for related travel;
 - b. The City Manager shall approve all City-related travel during the local public health emergency;
 21. Implement tele-working protocols for City employees.
 22. Revisit facial hair grooming standards, particularly for public safety personnel required to wear facemasks and gas masks.
 23. In compliance with the Americans with Disabilities Act, Meyers-Milias-Brown Act, and other applicable state and/or federal laws, implement labor procedures to address employees contracting COVID-19.
 24. In compliance with state and federal law, provide sick leave or administrative leave, with pay, for all full- and part-time employees contracting COVID-19, or as required to provide in-home health care for an employee's COVID-19 diagnosed child, as follows:
 - a. Full-time employees shall use earned vacation or sick leave (or other available earned leave) first, for both quarantine and verified COVID-19 infection periods, and thereafter may be provided up to 120 hours of paid administrative leave, paid at the employee's hourly rate of pay, not to include overtime or other premium pays, subject to review and adjustment by the City Manager and Personnel Committee; provided, however, if the employee's absence is required by the City during the quarantine period, the employee will be given up to 80 hours of paid administrative leave in lieu of using accrued personal leave time such as vacation or sick leave;

- b. Part-time employees shall be provided up to 120 hours of paid administrative leave, in total, for both quarantine and verified COVID-19 infection periods, paid at the employee's hourly rate of pay, up to 35 hours per week or the employees regular hourly work-week schedule, whichever is less, subject to review and adjustment by the City Manager and Personnel Committee.
 - c. Consider leave policies related to childcare-related verified COVID-19 cases.
25. Direct the Finance Department to disinfect all U.S. coinage and paper currency processed by the City.
 26. Train City personnel in proper procedures for dealing with citizen concerns related to the COVID-19 virus.
 27. Under City Council direction, implement provisions of the Bagley-Keene Act, Brown Act, and other applicable state and/or local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to meetings.
 28. Re-task available City employees to assist with canvassing the City's homeless population to disseminate information and offer resources and assistance to prevent an outbreak of COVID-19 within the homeless population and provide testing and public health assistance for those members of the homeless population determined to be affected with the COVID-19 virus.
 29. Re-task available City employees to assist with contacting the City's elderly population to disseminate information and offer resources and assistance to prevent an outbreak of COVID-19 and provide testing and public health assistance to members of the elderly population determined to be affected with the COVID-19 virus.
 30. Re-task available City employees to assist the Police Department with operation of required prophylactic operations, including Point of Distribution operations and public testing areas for COVID-19, and designate potential testing sites, which may include the Montclair Police Department, Montclair Place, Target, Costco, Tiki Drive-in Theater, and other locations as may be recommended for easy public access.
 31. To the extent applicable, and to protect homeless individuals, follow the [Guidance for Homeless Assistance Providers on Novel Coronavirus \(COVID-19\)](#).
 32. Work with telecommunications providers to open free Wi-Fi access, communitywide, for students displaced from school.
 33. Provide alternative means for utility payments.
 34. Suspend restrictions related to on-street parking on scheduled street sweeping days.

35. Except for essential government services, prepare the Montclair community and organization for a potential "shelter-in-place" order from the municipal, San Bernardino County, State, and/or Federal governments.
36. To the extent practicable, close City building to none-essential public access; however, provide pre-scheduled by appointment access, as necessary.
37. Implement other rules and regulations, as required, on matters reasonably related to the protection of life and property as affected by the local public health emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council.

FISCAL IMPACT: The social and organizational cost of dealing with the emergence of the COVID-19 virus in the Montclair community is undetermined; however, if Resolution No. 20-3263 is adopted, and if subsequently authorized by the City Council, up to \$200,000 would be available for transfer from the General Fund Reserve Fund to the Contingency Account to assist with administering and providing for the services, actions and assistance as provided for in Resolution No. 20-3263.

RECOMMENDATION: City staff recommends the City Council take the following actions:

1. Vote to bring Resolution No. 20-3263 before the City Council for consideration as an urgency measure;
2. Adopt Resolution No. 20-3263, a Proclamation of the City Council declaring that a local public health emergency exists in the City of Montclair, and that by this proclamation hereby establishes City eligibility for federal and state funding assistance; and
3. Authorize the transfer of up to \$200,000 from the General Fund Reserve Fund to the Contingency Account to assist with administration and provision of the services, actions, and assistance as provided for in Resolution No. 20-3263.

RESOLUTION NO. 20-3263

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR DECLARING THAT A LOCAL PUBLIC HEALTH EMERGENCY EXISTS IN THE CITY OF MONTCLAIR, AND THAT BY THIS PROCLAMATION HEREBY ESTABLISHES CITY ELIGIBILITY FOR FEDERAL AND STATE FUNDING ASSISTANCE

WHEREAS, on March 4, 2020, California Governor Gavin Newsom issued a [proclamation declaring a State of Emergency](#) to prepare for, contain, and respond to mitigating the effects of, and recovery from, the spread of the COVID-19 virus (novel coronavirus 2019) in the state of California. The proclamation was introduced as the number of deaths and positive COVID-19 cases in California increased; and

WHEREAS, according to the State of Emergency declaration, the State of California is deploying every level of government to help identify cases and slow the spread of the COVID-19 virus, and the emergency proclamation will help the state further prepare California's communities and the state's health care system in the event the virus spreads more broadly; and

WHEREAS, the Governor's emergency proclamation includes provisions that protect consumers against price gouging, allow for health care workers to come from out of state to assist at health care facilities, and give health care facilities the flexibility to plan and adapt to accommodate incoming patients; and

WHEREAS, other provisions in the proclamation include the following:

- The 30-day time period in Health and Safety Code section 101080, with which a local governing authority must renew a local health emergency, is waived for the duration of the statewide emergency, and will remain in effect until each local governing authority terminates its respective local health emergency;
- The 60-day time period in Government Code Section 8630, within which local government authorities must renew a local emergency, is waived for the duration of the state emergency, and will remain in effect until each local governing authority terminates its respective local emergency;
- To promptly respond for the protection of public health, state entities are, notwithstanding any other state or local law, authorized to share relevant medical information, limited to the patient's underlying health conditions, age, current condition, date of exposure, and possible contact tracing, as necessary to address the effect of the COVID-19 outbreak with state, local, federal, and nongovernmental partners, with such information to be used for the limited purposes of monitoring, investigation and control, and treatment and coordination of care;

The notification requirement of Civil Code section 1798.24, subdivision (i), is suspended;

- Notwithstanding Health and Safety Code sections 1797.52 and 1797.218, during the course of this emergency, any EMT-P licensees shall have the authority to transport patients to medical facilities other than acute care hospitals when approved by the California EMS Authority; and

Health and Safety Code sections 1797.52 and 1797.218 are suspended until the termination of this state of emergency; and

WHEREAS, on March 12, 2020, California Governor Gavin Newsom issued [Executive Order No. N-25-20 enhancing-state and local governments ability to respond to the COVID-19 pandemic](#); and

WHEREAS, significant provisions in the Executive Order include the following:

- State and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings

through no fault or responsibility of the parties involved, thereby constituting a *force majeure* (unforeseeable circumstances that prevent fulfillment of a contract);

- All California residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of "social distancing" measures, to control the spread of COVID-19;
- The Governor's Office of Emergency Services shall ensure adequate state staffing during this emergency;
- The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available — including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property — hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period;
- Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events;
- All requirements in both the Bagley-Keene Act and the Brown Act expressly or implicitly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in a quorum for a public meeting are hereby waived;
- Any otherwise-applicable requirements under the Bagley-Keene and the Brown Act, including the following:
 1. state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
 2. each teleconference location be accessible to the public;
 3. members of the public may address the body at each teleconference location;
 4. state and local bodies post agendas at all teleconference locations;
 5. at least one member of the state body be physically present at the location specified in the notice of the meeting; and
 6. during teleconference meetings, [at] least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction;

are hereby suspended, on the conditions that:

1. each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable;
2. consistent with the notice requirement in paragraph "1" [immediately above], each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public's right of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as

applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act);

In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings; and

WHEREAS, on March 11, 2020, the California Department of Public Health issued [Gathering Guidance](#) to protect public health and slow the rate of transmission of COVID-19; and

WHEREAS, gatherings, as described below, should be postponed or canceled across the state of California for at least the remainder of the month of March 2020 (extended to May 10, 2020 by the Center for Disease Control), or until further notice, and this [Gathering Guidance](#) remains in place until the end of March 2020 (May 10, 2020 pursuant to the CDC), or until further notice, and will likely be extended:

- Large gatherings that include 250 people or more (changed to 50 by the CDC) should be postponed or canceled;
 1. This includes gatherings such as concerts, conferences, and professional, college, and school sporting events; and
- Smaller gatherings held in venues that do not allow "social distancing" of six feet per person should be postponed or canceled;
 1. This includes gatherings in crowded auditoriums, rooms or other venues, and the venue space does not matter;
 2. Achieving space between individuals of approximately six feet is advisable;
 3. Additionally, there is a particular focus on creating space between individuals who have come together on a one-time or rare basis and who have very different travel patterns, such as those coming from multiple countries, states or counties;
 4. "Social distancing" is a practice recommended by public health officials to stop or slow down the spread of contagious diseases; and its effective implementation requires the creation of physical space between individuals who may spread certain infectious diseases; and the key is to minimize the number of gatherings as much as possible and to achieve space between individuals when events or activities cannot be modified, postponed, or canceled;
- Gatherings of individuals who are at higher risk [60-years of age or older and those with underlying health conditions] for severe illness from COVID-19 should be limited to no more than 10 people;
 1. This includes gatherings such as those at retirement facilities, assisted living facilities, developmental homes, and support groups for people with health conditions;
- A "gathering" is any event or convening that brings together people in a single room or single space at the same time, such as an auditorium, stadium, arena, large conference room, meeting hall, cafeteria, or any other indoor or outdoor space;

The above Gathering Guidance applies to all non-essential professional, social, and community gatherings regardless of their sponsor; and gatherings that do not meet the aforementioned criteria should only be conducted when they are essential—that is, if the activity is essential and could not be postponed or achieved without gathering, meaning that some other means of communication could not be used to conduct the essential function;

The above Gathering Guidance shall not apply to activities such as attendance at regular school classes, work, or essential services; and

WHEREAS, on March 12, 2020, the [San Bernardino County Public Health Department ordered cancellation of gatherings](#) in compliance with the [Gathering Guidance](#) issued on Wednesday, March 11, 2020, by the California Department of Public Health; and

WHEREAS, on March 13, 2020, the Chaffey Joint Union High School District (CJUHS) announced the temporary suspension of in-class instruction and all school activities, effective Monday, March 16, 2020, and the suspension includes the temporary shutdown of Montclair High School, with regularly scheduled school instruction to begin on Monday, April 6, 2020 – a date that may change as new information related to the COVID-19 virus is evaluated; and

WHEREAS, on March 13, 2020, the Ontario-Montclair School District (OMSD) announced the temporary suspension of in-class instruction and all school activities, effective Monday, March 16, 2020, and OMSD will resume its regularly scheduled instruction at all schools beginning Monday, April 6, 2020 – a date that may change as new information related to the COVID-19 virus is evaluated; and

WHEREAS, on March 13, 2020 the U.S. House of Representatives sent to the Senate a large-scale COVID-19 relief package that includes the following:

- Free COVID-19 testing: Federal health providers such as Medicare and Medicaid, and private health insurers, are required to provide free COVID-19 testing;
- Expanded funding for food security programs: The Special Supplemental Nutrition Program for Women, Infants and Children, the Emergency Food Assistance Program, and the Senior Nutrition Program will receive supplemental funding to assist Americans affected by the virus, and the package also provides funding for state waivers to pay for meals for children who normally receive meal services at school;
- Emergency family and sick leave:
 1. Employees of companies with fewer than 500 employees may take up to 12 weeks of protected family and medical leave, including two weeks at full pay, with any additional weeks taken with no less than two-thirds of the employee's usual pay, to either quarantine or seek preventative care;
 2. Small- and mid-size businesses would receive tax credits to pay for medical and family leave of up to 100% of the wages they pay out;
 3. Employers with fewer than 500 employees are required to provide two weeks of sick leave at full pay for employees who are seeking treatment for the virus;
 4. Self-employed individuals would receive tax credits to receive paid leave;
 5. Employees would be eligible for paid sick leave if they have a child whose school or childcare facility is closed due to the COVID-19 virus, paid at not less than two-thirds of regular pay;
- Unemployment insurance: States will receive additional funding to provide unemployment insurance should there be an increase in uninsured people;
- Medicaid funding: The bill strips employment requirements for Medicaid, and increases Medicaid funding through 2021;
- All provisions of [HR 6201, the Families First Coronavirus Response Act or COVID-19 Health Care Worker Protection Act of 2020](#) is subject to change and final approval by the U.S. Senate and by Conference Committee; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency to offset lagging coronavirus testing and unlock \$50 billion in Federal Emergency Management Agency (FEMA) funds; and

WHEREAS, President Trump said the declaration would address the testing shortcomings that health experts say hindered the country's ability to contain the virus when it first appeared on American shores; and

WHEREAS, the emergency declaration outlines a series of agreements with private companies including Google, Target and Walmart to facilitate swifter COVID-19 testing for Americans, with Target and Walmart agreeing to set aside parking lot space for testing sites, while Google pledged to set up a website to determine whether a person needs a test, and where one is available; and

WHEREAS, the emergency declaration will authorize the U.S. Department of Health and Human Services to waive certain Medicare, Medicaid, and Children's Health Insurance program requirements in an effort to bypass certain regulatory requirements; and

WHEREAS, the Trump Administration says 1.4 million COVID-19 test kits will be available during the week of March 16-22, and five million would be available within 30 days; and

WHEREAS, federal health officials have warned Americans to expect developments related to the COVID-19 pandemic to worsen, spurring much of the country's public spaces to shutter; and

WHEREAS, pursuant to Section 6.080.060.A.1. of Chapter 6.08 of Title 6 of the Montclair Municipal Code, the City Manager, as Director of Emergency Services, is empowered to request the City Council to proclaim the existence or threatened existence of a local emergency if the City Council is in session, or to issue such proclamation if the City Council is not in session; provided, however, whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect; and

WHEREAS, by proclamation of an emergency, the Director shall control and direct the effort of the emergency organization for Montclair for the accomplishment of the purposes of Chapter 6.08 of Title 6 of the Montclair Municipal Code; and

WHEREAS, in the event of a proclamation of a state of emergency by the Governor of California, the Director is empowered as follows:

1. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council;
2. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use;
3. Require emergency services of any City office or employee, and to command the aid of as many citizens of this community as the Director deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for duly registered disaster workers;
4. Requisition necessary personnel or material of any City department or agency;
5. Execute all ordinary power as City Manager, all of the special powers conferred upon the City Manager by Chapter 6.08 of Title 6 of the Montclair Municipal Code or by other action of the City Council, including power conferred in the City of Montclair Emergency Plan, as prepared by the Montclair Disaster Preparedness Council, which plan shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency or state of emergency, provided such plan is adopted by resolution of the City Council; and

WHEREAS, any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City; and

WHEREAS, during an emergency, it shall be unlawful to do any of the following:

1. Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to Chapter 6.08 of Title 6 of the Montclair Municipal Code;
2. Commit any act forbidden by any lawful rule or regulation issued pursuant to Chapter 6.08 of Title 6 of the Montclair Municipal Code, if such act is of such a nature as to imperil the lives or property of inhabitants of Montclair, or to prevent, hinder or delay the defense or protection thereof;
3. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the State or the Montclair Disaster Preparedness Council.

NOW, THEREFORE, BE IT PROCLAIMED that the City Council of the City of Montclair does hereby declare that a local public health emergency exists in the City of Montclair, and hereby establishes the City of Montclair's eligibility for any federal and state funding assistance related to this public health emergency and the COVID-19 pandemic.

BE IT FURTHER PROCLAIMED that the City Council of the City of Montclair does hereby authorize the City Manager, as Director of Emergency Services, to execute the purpose and intent of this Proclamation, and to carry out the powers and duties so authorized pursuant to this Proclamation and Section 6.08.060 of Chapter 6.08 of Title 6 of the Montclair Municipal Code, and to report, as necessary, to the Disaster Preparedness Council as that Council is defined and empowered pursuant to Sections 6.08.030 and 6.08.040 of Chapter 6.08 of Title 6 of the Montclair Municipal Code.

BE IT FURTHER PROCLAIMED that the City Council of the City of Montclair hereby authorizes and directs that the City Manager, as Director of Emergency Services, shall consider and act on the following:

1. Maintain a local COVID-19 information page on the City's Homepage at <https://cityofmontclair.org/residents/the-novel-coronavirus-covid-19> to regularly update the City Council and residents of Montclair on the latest local events related to the COVID-19 virus;
2. Work with the City's partners in the health care system to ensure Montclair residents have access to a robust plan to monitor for, detect and, if needed, isolate any cases of the COVID-19 virus;
3. Monitor local hospitals for potential cases of the COVID-19 virus in the local area;
4. Work with the [San Bernardino County Department of Public Health](#) to ensure services are available to Montclair residents who may have contracted COVID-19, and ensure access to regional health care services provided through [Arrowhead Regional Medical Center](#);
5. Ensure that Montclair's emergency service providers, including Police, Fire, Paramedics, Code Enforcement, Public Works, and others have the proper equipment and capacity to respond to calls for service, and direct patients with COVID-19 to the proper medical health agencies;
6. Offer available specialized training to public safety personnel to ensure proper response to COVID-19-related service calls;
7. Work with mutual aid partners to ensure extended coverage throughout the mutual aid region to ensure available public safety staffing;
8. Work with federal, state and local health agencies to ensure Montclair residents have access to COVID-19 test kits as available, and provide support, as required, related to traffic control around testing centers;

9. Train personnel at the Montclair Medical Clinic to recognize symptoms related to the COVID-19 virus;
10. Work with federal, state and county partners to properly plan and train for responses to any emergency or outbreak related to the COVID-19 virus;
11. Regularly meet with hospitals, City paramedics and local public health centers to obtain the latest information related to the COVID-19 virus and its spread in the community and region;
12. Regularly meet with the Ontario–Montclair Schools District (OMSD) and Chaffey Joint Union High School District (Montclair High School) officials to ensure the health and safety of the community's youth, and to discuss any need or requirement to close or extend the closure of schools and suspension of classes;
13. Comply with the Guidance Gathering issued by the California Department of Public Health and the CDC, and any extensions thereof;
14. Comply with social distancing requirements issued by the California Department of Public Health and the CDC, and any extensions thereof;
15. Suspend extra-curricular and co-curricular activities for all OMSD schools and CJUHSD in cooperation with the Superintendents of OMSD and CJUHSD;
16. Suspend non-essential City-sponsored activities in compliance with the Guidance Gathering and social distancing requirements issued by the Center for Disease Control (CDC) and the California Department of Public Health to dates to be determined, but at least through May 10, 2020, such non-essential City-sponsored activities to include the following (additional activities may be added while others may be removed from the list based on program/activity requirements, extension of the Gathering Guidance, and other exigent circumstances):
 - a. After-School Program (ASP) activities (provide for the re-tasking of ASP employees, as required and permitted pursuant to employment agreements);
 - b. City-sponsored academic and athletic competitions;
 - c. Recognition/Awards Events (e.g., Montclair to College graduation, Public Safety Recognition Luncheon, Community Activities Commission ceremonies);
 - d. Open House events (e.g., Public Safety Open House);
 - e. Scheduled large- and medium-size public gatherings that would fail to comply with social distancing requirements, including private large- and medium-size gatherings, scheduled at City facilities including, but not limited to:
 - o Country Fair Jamboree
 - o Summer Recreation Program Kickoff
 - o Camp Montclair
 - o Community Health Fair
 - o Easter Eggstravaganza
 - o Senior Citizen Program activities including, but not limited to, Nutrition Program (transition to box lunches), monthly Senior Citizen birthday party, and trips
 - o Community Prayer Luncheon
 - o Memorial Day Event
 - o Peace Officers Memorial Ceremony

- o Youth Center activities
 - o Mini-school Program – unless the necessity for child care services becomes an overriding consideration; provided, however, the City may operate child care services for employees of the City to ensure the maintenance of essential services
 - o Human Services-sponsored recreation activities including, but not limited to, scheduled classes, youth and adult sports leagues, and other qualifying events
 - o Suspend yard sale program
 - o Private events using City-rented facilities including, but not limited to weddings, social gatherings, and other events
 - o Public restrooms that cannot be maintained in a sanitary condition
 - o Alma Hofman Splash Pad
 - o And other City-sponsored activities as determined necessary, through June 30, 2020, unless otherwise altered by direction of the City Council
- f. Scheduled small public gatherings, including private gatherings, scheduled at City facilities, that fail to achieve the ability to comply with social distancing requirements, or as otherwise represent a danger to individuals who are at higher risk [60-years of age or older and those with underlying health conditions] for severe illness from the COVID-19 virus (e.g., activities at the Senior Center; also, allow no more than ten senior citizens on the Golden Express transportation service at any one time);
- g. Both large and small private gatherings at private facilities, including, but not limited to, concert halls, churches, sports stadiums, restaurants, bars, breweries, entertainment zones, private residences, hotels, and other private facilities shall be required to self-regulate; provided, however, in the event self-regulation fails, the City may adopt rules and regulations to require compliance with applicable Gathering Guidance provisions;
- h. On March 15, 2020, the U.S. Center for Disease Control (CDC) changed the Gathering Guidance to eight weeks from Sunday, March 15, 2020, thereby extending the Gathering Guidance to May 10, 2020. Furthermore, the CDC redefined a "large" or "mass" gathering to be 50 or more people. In anticipation of further extensions, the City proposes extending the local Gathering Guidance date restriction to June 30, 2020, to effectuate proper planning and execution of programs and activities. The June 30, 2020, Gathering Guidance date will be subject to revision by the City Council.
17. Meet with businesses, such as Costco, Target and Montclair Place, to determine means to control panic shopping and address the undisciplined assembling of shoppers prior to and after store openings;
18. Suspend operation of City-operated weight/exercise rooms at all City facilities;
19. Suspend rental of City facilities for large and small events in compliance with California Department of Public Health and CDC Gathering Guidance;
20. Implement restrictions on employee travel to conferences and seminars:
- a. Allow employees to cancel travel to scheduled conferences and seminars with no fiscal penalty to employees; provided, however, employees shall seek to recover refunds for related travel;
 - b. The City Manager shall approve all City-related travel during the local public health emergency;

21. Implement tele-working protocols for City employees;
22. Revisit facial hair grooming standards, particularly for public safety personnel required to wear facemasks and gas masks;
23. In compliance with the Americans with Disabilities Act, Meyers-Milias-Brown Act, and other applicable state and/or federal laws, implement labor procedures to address employees contracting COVID-19;
24. In compliance with state and federal law, provide sick leave or administrative leave, with pay, for all full- and part-time employees contracting COVID-19, or as required to provide in-home health care for an employee's COVID-19 diagnosed child, as follows:
 - a. Full-time employees shall use earned vacation or sick leave (or other available earned leave) first, for both quarantine and verified COVID-19 infection periods, and thereafter may be provided up to 120 hours of paid administrative leave, paid at the employee's hourly rate of pay, not to include overtime or other premium pays, subject to review and adjustment by the City Manager and Personnel Committee; provided, however, if the employee's absence is required by the City during the quarantine period, the employee will be given up to 80 hours of paid administrative leave in lieu of using accrued personal leave time such as vacation or sick leave;
 - b. Part-time employees shall be provided up to 120 hours of paid administrative leave, in total, for both quarantine and verified COVID-19 infection periods, paid at the employee's hourly rate of pay, up to 35 hours per week or the employees regular hourly work-week schedule, whichever is less, subject to review and adjustment by the City Manager and Personnel Committee;
 - c. Consider leave policies related to childcare-related verified COVID-19 cases;
25. Direct the Finance Department to disinfect all U.S. coinage and paper currency processed by the City;
26. Train City personnel in proper procedures for dealing with citizen concerns related to the COVID-19 virus;
27. Under City Council direction, implement provisions of the Bagley-Keene Act, Brown Act, and other applicable state and/or local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to meetings;
28. Re-task available City employees to assist with canvassing the City's homeless population to disseminate information and offer resources and assistance to prevent an outbreak of COVID-19 within the homeless population and provide testing and public health assistance for those members of the homeless population determined to be affected with the COVID-19 virus;
29. Re-task available City employees to assist with contacting the City's elderly population to disseminate information and offer resources and assistance to prevent an outbreak of COVID-19 and provide testing and public health assistance to members of the elderly population determined to be affected with the COVID-19 virus;
30. Re-task available City employees to assist the Police Department with operation of required prophylactic operations, including Point of Distribution operations and public testing areas for COVID-19, and designate potential testing sites, which may include the Montclair Police Department, Montclair Place, Target, Costco, Tiki Drive-in Theater, and other locations as may be recommended for easy public access;
31. To the extent applicable, and to protect homeless individuals, follow the [Guidance for Homeless Assistance Providers on Novel Coronavirus \(COVID-19\)](#);

32. Work with telecommunication providers to open free Wi-Fi access, communitywide, for students displaced from school;
33. To the extent practicable, close City buildings to non-essential public access; however, provide pe-scheduled by appointment access, as necessary;
34. Provide alternatives means for utility payments;
35. Suspend restrictions related to on-street parking on scheduled street sweeping days;
36. Except for essential government services, prepare the Montclair community and organization for a potential "shelter-in-place" order from the municipal, San Bernardino County, State, and/or Federal governments;
37. Implement other rules and regulations, as required, on matters reasonably related to the protection of life and property as affected by the local public health emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council.

BE IT FURTHER PROCLAIMED that the City Council of the City of Montclair hereby authorizes and directs the transfer of up to \$200,000 from the General Fund Reserve Fund to the Contingency Account to assist the City Manager/Director of Emergency Services with administering and providing for the services, actions and assistance as provided for in this Proclamation.

BE IT FINALLY PROCLAIMED, that, pursuant to California Governor Gavin Newsom issuing a [proclamation declaring a State of Emergency](#) that waives the following:

1. The 30-day time period in Health and Safety Code section 101080, with which a local governing authority must renew a local health emergency; and
2. The 60-day time period in Government Code Section 8630, within which local government authorities must renew a local emergency;

the Montclair City Council hereby proclaims that Resolution No. 20-3263 shall remain in force and effect until the City Council of the City of Montclair terminates the local health emergency.

APPROVED AND ADOPTED this XX day of XX, 2020.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that Resolution No. 20-3263 was duly adopted by the City Council of said city and was approved by the Mayor of said city at a regular meeting of said City Council held on the XX day of XX, 2020, and that it was adopted by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Phillips
City Clerk