



Special Meeting **AGENDA**

Civic Center Council Chamber ♦ 300 Seminary Avenue ♦ Ukiah, CA 95482

Please register for Ukiah City Council Special Meeting on Apr 29, 2020 4:00 PM PDT at:

<https://attendee.gotowebinar.com/register/304869692145806859>

After registering, you will receive a confirmation email containing information about joining the webinar.

April 29, 2020 - 4:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. AUDIENCE COMMENTS ON NON-AGENDA ITEMS

The City Council welcomes input from the audience. If there is a matter of business on the agenda that you are interested in, you may address the Council when this matter is considered. If you wish to speak on a matter that is not on this agenda, you may do so at this time. In order for everyone to be heard, please limit your comments to three (3) minutes per person and not more than ten (10) minutes per subject. The Brown Act regulations do not allow action to be taken on audience comments in which the subject is not listed on the agenda.

3. UNFINISHED BUSINESS

- 3.a. Receive Status Report and Consider Any Action or Direction Related to the Novel Coronavirus (COVID-19) Emergency Including Operational Preparedness and Response; Continuity of City Operations and Services; Community and Business Impacts; and Any Other Related Matters.
Recommended Action: The City Council will receive a status report and consider any action or direction related to the Novel Coronavirus (COVID-19) Emergency including operational preparedness and response; continuity of City operations and services; community and business impacts; and any other related matters.
Attachments: None

- 3.b. Consider proposed letter to Ukiah Valley Sanitation District Board of Directors Re: April 30, 2020, Deadline for Joint City Council/Board of Directors Meeting Under Refinancing Agreement Between City and District, and authorized the Mayor to execute the letter and any other corresponding action if necessary.

Recommended Action: 1. Authorize letter to District Board acknowledging that the joint City Council/ District Board meeting or meetings required to commence by April 30, 2020, under Section 7 of the Refinancing Agreement between the City and the District cannot begin, because of the Shelter-in-Place orders issued by Executive Order of the Governor and the Mendocino County Health Officer under the authority of Health and Safety Code Sections 101040, 101085 and 120175. The City Council is ready and willing to commence those meetings as soon as it can be scheduled, when face-to-face meetings between the City Council and Board of Directors are no longer prohibited as a result of the COVID-19 health emergency.

2. Authorized the Mayor to execute any corresponding amendment to the Refinancing Agreement if necessary.

Attachments:

1. Letter re April 30 meeting

4. NEW BUSINESS

- 4.a. Discuss and Consider Approval of Resolutions Confirming Emergency Orders of the City Manager of the City of Ukiah in His Capacity as the Director of Emergency Services including 1) suspending Ukiah City Code Sections 4514-4517 for 60 days from April 22, 2020 through June 21, 2020 and 2) extending the operation period of the Winter Homeless Shelter located at 1045 South State Street in Ukiah from April 30, 2020 to June 30, 2020.

Recommended Action: 1. Approve Resolution confirming Emergency Order of the City Manager of the City of Ukiah, in his capacity as the Director of Emergency Services for the City, suspending Ukiah City Code Sections 4514-4517 for 60 days from April 22, 2020 through June 21, 2020.

2. Approve Resolution confirming Emergency Order of the City Manager of the City of Ukiah, in his capacity as the Director of Emergency Services for the City, extending the operation period of the Winter Homeless Shelter located at 1045 South State Street in Ukiah from April 30, 2020 to June 30, 2020.

Attachments:

1. Correspondence from CGA 04-24-2020 Re Suspension of Carryout Bag Laws
2. Draft Res Confirming the EO of the CM Suspending UCC 4514-4517 from April 22, 2020 - June 21, 2020
3. Draft Res Confirming Winter Shelter Extension Emergency Order

5. ADJOURNMENT

Please be advised that the City needs to be notified 72 hours in advance of a meeting if any specific accommodations or interpreter services are needed in order for you to attend. The City complies with ADA requirements and will attempt to reasonably accommodate individuals with disabilities upon request. Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available for public inspection at the front counter at the Ukiah Civic Center, 300 Seminary Avenue, Ukiah, CA 95482, during normal business hours, Monday through Friday, 8:00 am to 5:00 pm.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the bulletin board at the main entrance of the City of Ukiah City Hall, located at 300 Seminary Avenue, Ukiah, California, not less than 24 hours prior to the meeting set forth on this agenda.

Kristine Lawler
April 28, 2020



AGENDA SUMMARY REPORT

SUBJECT: Receive Status Report and Consider Any Action or Direction Related to the Novel Coronavirus (COVID-19) Emergency Including Operational Preparedness and Response; Continuity of City Operations and Services; Community and Business Impacts; and Any Other Related Matters.

DEPARTMENT: City Manager /
Admin

PREPARED BY: Tami Bartolomei, Community Services
Administrator

PRESENTER: Sage Sangiacomo, City Manager.

ATTACHMENTS:

None

Summary: The City Council will receive a status report and consider any action or direction related to the Novel Coronavirus (COVID-19) Emergency including operational preparedness and response; continuity of City operations and services; community and business impacts; and any other related matters.

Background: On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency in California.

The County of Mendocino declared a State of Emergency related to the COVID-19 on March 4, 2020.

On March 17, 2020, the City Manager acting as the Director of Emergency Services declared the existence of a local emergency.

On March 18, 2020, City Council approved a Resolution ratifying the proclamation declaring the existence of a local emergency.

On March 18, 2020, the Mendocino County Public Health Officer announced the first confirmed case of COVID-19 and the issuance of a Shelter in Place order for Mendocino County.

On March 24, 2020, Mendocino County announced a second confirmed case of COVID-19.

On March 28, 2020, Mendocino County announced a third confirmed case of COVID-19.

On March 29, 2020, Mendocino County announced the fourth confirmed case of COVID-19.

On April 10, 2020, the Mendocino County Public Health Officer issued a third revised Shelter in Place order that went into effect April 10, 2020, and will remain in place until May 10, 2020.

On April 23, 2020, the Mendocino County Public Health Officer announced three new confirmed cases of COVID-19 in Round Valley.

On April 24, 2020, the Mendocino County Public Health Officer announced an additional three more cases of

COVID-19 in Round Valley making six new confirmed cases in 24 hours.

On April 24, 2020, the Mendocino County Public Health Officer issued a facial covering order and revise to the Shelter-In-Place Order.

Discussion: As the coronavirus "COVID-19" continues to evolve, the City of Ukiah continues to monitor the situation. The City is in continued contact with local and state agencies, as well as community partners, hospitals, schools, and neighboring cities to ensure we have the most updated information pertaining to COVID-19 and are coordinating efforts.

Reports and/or information from the City of Ukiah's Emergency Operation Center (EOC) will include:

- * Emergency Operation Center (EOC) Status
- * COVID-19 Case Updates
- * Public Information Officer
- * Medical Services
- * School/Education
- * Public Safety (Police/Fire/EMS)
- * Shelter in Place Monitoring and Compliance
- * Community Service Groups
- * Homeless Response
- * Business Impacts/Services
- * Public Infrastructure/Construction Status
- * City Finance
- * Recovery Efforts and Planning
- * Other Related matters

Staff will provide a status report to City Council and will seek direction or action on operational preparedness and response; continuity of City operations and services; community and business impacts; and any other related matters.

Go to the City's website (www.cityofukiah.com) for direct access to information related to the Novel Coronavirus (COVID-19) emergency including local updates, City Services, Community/Resident Information, and Business Resources.

Recommended Action: The City Council will receive a status report and consider any action or direction related to the Novel Coronavirus (COVID-19) Emergency including operational preparedness and response; continuity of City operations and services; community and business impacts; and any other related matters.

BUDGET AMENDMENT REQUIRED: N/A

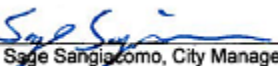
CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: Sage Sangiacomo, City Manager

Approved: 
Sage Sangiacomo, City Manager



AGENDA SUMMARY REPORT

SUBJECT: Consider proposed letter to Ukiah Valley Sanitation District Board of Directors Re: April 30, 2020, Deadline for Joint City Council/Board of Directors Meeting Under Refinancing Agreement Between City and District, and authorized the Mayor to execute the letter and any other corresponding action if necessary.

DEPARTMENT: City Attorney

PREPARED BY: David Rapport, City Attorney

PRESENTER: _____

ATTACHMENTS:

1. Letter re April 30 meeting

Summary: Approve letter acknowledging that the City Council and Board of Directors cannot meet jointly by the April 30, 2020 deadline in Section 7 of Refinancing Agreement and authorize the Mayor to execute the letter and any other corresponding action if necessary.

Background: In connection with refinancing the 2006 Wastewater Treatment Plant Revenue Bonds, the City and the District entered a Refinancing Agreement. Under Section 7 of that Agreement, the City and the District agreed to develop rules for determining when a sewer connection should be considered a District or City account.

Under the procedures in Section 7, not later than April 30, 2020, the City Council and District Board were to meet in one or more joint meetings to begin the development of those rules. As a result of the COVID-19 epidemic and Shelter-in-Place orders by the Governor and the Mendocino County Health Officer, the City Council and District Board cannot meet together in a physical meeting place and would not be able to conduct such a meeting on or before April 30, 2020.

Discussion: Meeting jointly in the same room to begin the discussion of rules for determining when a sewer connection should be considered a City or District account was important to the City Council in entering the Refinancing Agreement. The City Council was lead to believe that it is also important to the District Board.

The City Council continues to regard meeting together with the Board under conditions that promote robust communication an important step in developing these rules. Improving communication between the whole City Council and the whole Board of Directors is important in developing a positive working relationship between the City and the District. Virtual meetings allow for the conduct of routine business but are not well suited to the type of discussion required by Section 7 of the Refinancing Agreement.

Staff proposes that the City Council notify the District Board in a brief letter that that City Council continues to look forward to meeting directly in joint session with the Board to begin developing the rules under Section 7 of the Refinancing Agreement as soon as it can be scheduled after it becomes possible to meet in the same physical location with the District Board.

Recommended Action: 1. Authorize letter to District Board acknowledging that the joint City Council/ District

Board meeting or meetings required to commence by April 30, 2020, under Section 7 of the Refinancing Agreement between the City and the District cannot begin, because of the Shelter-in-Place orders issued by Executive Order of the Governor and the Mendocino County Health Officer under the authority of Health and Safety Code Sections 101040, 101085 and 120175. The City Council is ready and willing to commence those meetings as soon as it can be scheduled, when face-to-face meetings between the City Council and Board of Directors are no longer prohibited as a result of the COVID-19 health emergency.

2. Authorized the Mayor to execute any corresponding amendment to the Refinancing Agreement if necessary.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: N/A

Approved: 
Sage Sangiacomo, City Manager

[City Letterhead]

[Date]

Chairman and Board Members
151 Laws Avenue
Ukiah CA, 95482
dm@uvsd.org

Re: Meeting deadline under Section 7 of the Refinancing Agreement

Dear Chairman Wipf and Board members:

As you know Section 7 of the Refinancing Agreement requires the City and District to jointly develop rules for determining when a connection to the sewer system should be treated as a City or District account. As we have previously acknowledged, the City Council and District Board are unable to meet face to face by the April 30 deadline for conducting the first joint meeting under Section 7.

The City Council and, we assume, the District Board continue to regard meeting jointly face to face as an important step in developing these rules. The purpose of this letter is to simply acknowledge that while we cannot meet the April 30 deadline for conducting the first joint meeting, the City Council remains ready and willing to conduct that first meeting as soon as it becomes possible to meet face to face in the same location.

Sincerely,

Douglas Crane, Mayor

Cc: City Manager
City Council



AGENDA SUMMARY REPORT

SUBJECT: Discuss and Consider Approval of Resolutions Confirming Emergency Orders of the City Manager of the City of Ukiah in His Capacity as the Director of Emergency Services including 1) suspending Ukiah City Code Sections 4514-4517 for 60 days from April 22, 2020 through June 21, 2020 and 2) extending the operation period of the Winter Homeless Shelter located at 1045 South State Street in Ukiah from April 30, 2020 to June 30, 2020.

DEPARTMENT: City Manager / Admin **PREPARED BY:** Sage Sangiacomo, City Manager

PRESENTER: _____

ATTACHMENTS:

1. Correspondence from CGA 04-24-2020 Re Suspension of Carryout Bag Laws
2. Draft Res Confirming the EO of the CM Suspending UCC 4514-4517 from April 22, 2020 - June 21, 2020
3. Draft Res Confirming Winter Shelter Extension Emergency Order

Summary: The City Council will consider approval of Resolutions confirming emergency orders of the City Manager of the City of Ukiah in his capacity as the Director of Emergency Services related to the COVID-19 pandemic.

Background: In response to a declared emergency, Ukiah City Code Sections 5122F and 5130 give the City Council, City Manager and other designated delegates the authority to adopt rules, orders or regulations to provide for the protection of life and property and preservation of public order and safety.

In addition, California Government Code Section 8550(a) may confer not only on the Governor as to state statutes and regulations, but also on the City Council, as to City ordinances and regulations, the authority to suspend them, where the City Council determines and declares that strict compliance with the ordinance or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

Ukiah City Code:

UCC 5122 F. In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or the Director of the California Office of Emergency Services, or the existence of a state of war emergency, the Director is hereby empowered:

1. To 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 must be confirmed at the earliest possible time by the City Council;

UCC 5130 AUTHORITY FOR EMERGENCY ORDERS AND REGULATIONS

The City Council, to provide prompt response to emergency situations following the proclamation of a local emergency as authorized in this Chapter, the proclamation of a state of emergency, local emergency or the

existence of a state of war emergency, specifically delegates in the following priority order, to the City Manager, Assistant City Manager, or others authorized by the City Manager to act as Director of Emergency Services in the Emergency Operations Center, authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. Such orders and regulations should, when circumstances permit, be jointly concurred in, but may be independently promulgated when the situation makes concurrence impractical. All such orders and regulations to be effective must be in writing and signed by the promulgating official, and must be confirmed at the next regular meeting of the City Council.

California Government Code:

§ 8550. Declaration of purpose and policy

The state has long recognized its responsibility to mitigate the effects of natural, manmade, or war-caused emergencies that result in conditions of disaster or in extreme peril to life, property, and the resources of the state, and generally to protect the health and safety and preserve the lives and property of the people of the state. To ensure that preparations within the state will be adequate to deal with such emergencies, it is hereby found and declared to be necessary:

- (a) To confer upon the Governor and upon the chief executives and governing bodies of political subdivisions of this state the emergency powers provided herein; and to provide for state assistance in the organization and maintenance of the emergency programs of such political subdivisions.
- (b) To provide for a state office to be known and referred to as the Office of Emergency Services, within the office of the Governor, and to prescribe the powers and duties of the director of that office.
- (c) To provide for the assignment of functions to state entities to be performed during an emergency and for the coordination and direction of the emergency actions of those entities.
- (d) To provide for the rendering of mutual aid by the state government and all its departments and agencies and by the political subdivisions of this state in carrying out the purposes of this chapter.
- (e) To authorize the establishment of such organizations and the taking of such actions as are necessary and proper to carry out the provisions of this chapter.

It is further declared to be the purpose of this chapter and the policy of this state that all emergency services functions of this state be coordinated as far as possible with the comparable functions of its political subdivisions, of the federal government including its various departments and agencies, of other states, and of private agencies of every type, to the end that the most effective use may be made of all manpower, resources, and facilities for dealing with any emergency that may occur.

§ 8571. Suspension of regulatory statutes and agency rules during states of emergency

During a state of war emergency or a state of emergency the Governor may suspend any regulatory statute, or statute prescribing the procedure for conduct of state business, or the orders, rules, or regulations of any state agency, including subdivision (d) of Section 1253 of the Unemployment Insurance Code, where the Governor determines and declares that strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay the mitigation of the effects of the emergency.

Discussion: The City Council will consider two resolutions confirming the following emergency orders

summarized below related to the COVID-19 pandemic:

1. On Friday April 24, 2020, the City received correspondence from the California Grocer Association (Attachment #1) requesting the City of Ukiah temporarily suspend the City's local ordinance related to reusable bags to the extent that it prohibits retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale, or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale.

On April 23, Gov. Gavin Newsom released Executive Order N-54-20, which includes a temporary suspension of the state's carryout bag law. However, the order does not apply to the City of Ukiah because local ordinances grandfathered in the state law, which includes laws in effect before January 1, 2015, remain unaffected.

Given the COVID-19 concerns related to preserving the safety of the grocer/food service industry and consumers, the City Manager issued an emergency order on 04-24-2020 (Exhibit A to Attachment #2) to temporarily suspend Ukiah's carryout bag law in conformance with the Governor's corresponding order.

The resolution confirming this emergency order is included as Attachment #2 for consideration. In summary, commencing on April 22, 2020, Ukiah City Code Sections 4514-4517 are suspended for a period of 60 days.

2. The Mendocino County Health Officer has issued enforceable Shelter-in-Place Orders, the most recent version issued on April 24, 2020, effective at 12 pm on April 24 ("April 24, 2020 Order"). The April 24, 2020 Order, in Section 2, states that individuals experiencing homelessness, while exempt from the requirement in the Order to shelter in their place of residence, are strongly urged to obtain appropriate shelter as soon as possible. Section 2 also states that governmental and other entities, to the extent feasible, are encouraged to make such shelter available, particularly for vulnerable populations.

The current Major Use Permit issued for the Winter Homeless Shelter operated by Redwood Community Services, Inc. ("RCS") and located at 1045 South State Street in Ukiah states that operation of the Shelter is permitted "during winter for a duration of six (6) months commencing the first day of operation." Under the Use Permit, that six month term would begin November 1, 2019 and end April 30, 2020.

In order to comply with the April 24, 2020 Order and to ensure the health and safety of individuals experiencing homelessness, the City and RCS wish to extend the operation period of the Winter Homeless Shelter during this local emergency until June 30, 2020. To effect this extension, the City Manager, in his capacity as the Director of Emergency Services for the City, approved an emergency order (Exhibit A to Attachment #3) allowing RCS to continue the term of its Use Permit to operate the Winter Homeless Shelter until June 30, 2020.

The resolution confirming this emergency order is included as Attachment #3 for consideration. In summary, the term of operation for the Winter Homeless Shelter shall be extended until June 30, 2020, RCS shall continue to operate the shelter in conformance with the existing permit, and RCS will continue to ensure that all occupants are receiving available services through the Mendocino County Health & Human Services Agency.

Recommended Action: 1. Approve Resolution confirming Emergency Order of the City Manager of the City of Ukiah, in his capacity as the Director of Emergency Services for the City, suspending Ukiah City Code Sections 4514-4517 for 60 days from April 22, 2020 through June 21, 2020.

2. Approve Resolution confirming Emergency Order of the City Manager of the City of Ukiah, in his capacity as the Director of Emergency Services for the City, extending the operation period of the Winter Homeless Shelter located at 1045 South State Street in Ukiah from April 30, 2020 to June 30, 2020.

BUDGET AMENDMENT REQUIRED: N/A

CURRENT BUDGET AMOUNT: N/A

PROPOSED BUDGET AMOUNT: N/A

FINANCING SOURCE: N/A

PREVIOUS CONTRACT/PURCHASE ORDER NO.: N/A

COORDINATED WITH: David Rapport, City Attorney; Tami Bartolomei, OES Coordinator; Craig Schlatter, Director of Community Development; Shannon Riley, Deputy City Manager

Approved:


Sage Sangiacomo, City Manager

Subject: FW: Temporary Suspension of Carryout Bag Laws - REQUEST



Temporary Suspension of Carryout Bag Laws - REQUEST

On April 23, Gov. Gavin Newsom released [Executive Order N-54-20](#), which includes a temporary suspension of the state's carryout bag law.

The order does not apply to your jurisdiction because local ordinances grandfathered in the state law, which includes laws in effect before January 1, 2015, remain unaffected. For the safety of our employees and consumers, the grocery industry is asking all local governments to similarly suspend their carryout bag law for at least 60-days.

Before the State Order, several counties had prevented customers from bringing any reusable item into grocery stores in an effort to further prevent the spread of COVID-19. The grocery industry's understanding is public health officials are trying to limit the potential for further contamination of high-use areas in stores, like checkout stations, for the health of employees and consumers.

Unfortunately, a simple ban on use of reusable bags leaves grocers under mandates to continue to charge for bags and eliminates no-cost options for consumers. This is why the Governor temporarily suspended the entirety of the state law. Suspension of full local ordinances are necessary to prevent consumers being forced to pay for a bag with no option to avoid the charge.

In order to increase safety for grocery employees and customers and avoid a situation where all customers must pay for a bag, **we are requesting your jurisdiction suspend your carryout bag ordinance in full for at least 60-days.**

CGA does encourage return to full implementation of existing state and local carryout bag laws as soon as determined to be appropriate by public health officials and the state. Thank you for your consideration. If you have questions or concerns, please [email Tim James](#) or call (916) 832-6149.



RESOLUTION NO. 2020-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH, CALIFORNIA, CONFIRMING THE EMERGENCY ORDER OF THE CITY MANAGER OF THE CITY OF UKIAH, IN HIS CAPACITY AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY, SUSPENDING UKIAH CITY CODE SECTIONS 4514-4517 FOR 60 DAYS FROM APRIL 22, 2020 THROUGH JUNE 21, 2020.

WHEREAS, On March 4, 2020, the Governor of the State of California responded to the COVID-19 pandemic by issuing a Proclamation of State of Emergency under the authority of California Government Code Section 8625;

WHEREAS, On March 18, 2020, in Resolution No. 2020-14, in response to the Governor's proclamation and the threat of the spread of COVID-19 in the City, the City Council ratified the proclamation of a local emergency pursuant to Government Code Section 8550, et seq., and Ukiah City Code Section 5125;

WHEREAS, under the Local Emergency Declaration in Resolution No. 2020-14, during the existence of this local emergency, the City Manager or his designee is authorized to take whatever action is authorized under the Ukiah City Code and state and federal law, subject to any required authorization from the City Council, consistent with the Resolution and its basic purposes; and

WHEREAS, under Ukiah City Code Sections 5221 F. and 5130, in a declared local emergency the City Manager has the authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. All such orders and regulations to be effective must be in writing and signed by the promulgating official and must be confirmed at the earliest opportunity by the City Council.

NOW, THEREFORE, IT IS ORDERED by the City Council of the City of Ukiah the Emergency Order (Exhibit A) of the City Manager, in his capacity as the Director of Emergency Services for the City, suspending Ukiah City Code Sections 4514-4517 for 60 days from April 22, 2020 through June 21, 2020 and orders contained therein, is hereby confirmed.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Ukiah on the 29th day of April, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



EMERGENCY ORDER OF THE CITY MANAGER OF THE CITY OF UKIAH, IN HIS CAPACITY AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY, SUSPENDING UKIAH CITY CODE SECTIONS 4514-4517 FOR 60 DAYS FROM APRIL 22, 2020 THROUGH JUNE 21, 2020.

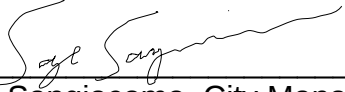
A. Background:

1. On March 4, 2020, the Governor of the State of California responded to the COVID-19 pandemic by issuing a Proclamation of State of Emergency under the authority of California Government Code Section 8625.
2. On March 18, 2020, in Resolution No. 2020-14, in response to the Governor's proclamation and the threat of the spread of COVID-19 in the City, the City Council ratified the proclamation of a local emergency pursuant to Government Code Section 8550, et seq., and Ukiah City Code Section 5125.
3. Under the Local Emergency Declaration in Resolution No. 2020-14, during the existence of this local emergency, the City Manager or his designee is authorized to take whatever action is authorized under the Ukiah City Code and state and federal law, subject to any required authorization from the City Council, consistent with the Resolution and its basic purposes.
4. Under Ukiah City Code Section 5130, in a declared local emergency the City Manager has the authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. All such orders and regulations to be effective must be in writing and signed by the promulgating official and must be confirmed at the earliest opportunity by the City Council.
5. The Governor in Executive Order N-54-20, effective April 22, 2020, suspended Public Resources Code section 42283 for a period of 60 days to the extent that it prohibits retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale, or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale.
6. Executive Order N-54-20 states that it is not intended to and does not apply to retail establishments in jurisdictions like the City of Ukiah which prior to January 1, 2015, enacted ordinances like City of Ukiah Ordinance Nos. 1135 and 1147 (enacting Ukiah City Code Sections 4514-4517), governing the use of single-use carryout bags.

7. The City Manager finds that an emergency rule suspending Ukiah City Code Sections 4514-4517 on the same terms as the Governor in Executive Order N-54-20 has suspended Public Resources Code Section 42283 is critical to protect the public health and safety and minimize the risk of COVID-19 exposure for workers engaged in essential activities, such as those handling reusable grocery bags.

B. Order

ACCORDINGLY, IT IS HEREBY ORDERED by the City Manager, the Director of Emergency Services for the City of Ukiah, that commencing on April 22, 2020, Ukiah City Code Sections 4514-4517 are suspended for a period of 60 days to the extent that they prohibit retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale, or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale.



Sage Sangiacomo, City Manager
Director of Emergency Services, City of Ukiah

Dated: 04/24/2020

RESOLUTION NO. 2020-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UKIAH, CALIFORNIA, CONFIRMING THE EMERGENCY ORDER OF THE CITY MANAGER OF THE CITY OF UKIAH, IN HIS CAPACITY AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY, EXTENDING THE PERIOD OF OPERATION OF WINTER SHELTER FOR THE HOMELESS LOCATED AT 1045 SOUTH STATE STREET FROM APRIL 30, 2020 TO JUNE 30, 2020.

WHEREAS, on March 4, 2020, the Governor of the State of California responded to the COVID-19 pandemic by issuing a Proclamation of State of Emergency under the authority of California Government Code Section 8625; and

WHEREAS, on March 18, 2020, in Resolution No. 2020-14, in response to the Governor's proclamation and the threat of the spread of COVID-19 in the City, the City Council ratified the proclamation of a local emergency pursuant to Government Code Section 8550, et seq., and Ukiah City Code Section 5125; and

WHEREAS, under the Local Emergency Declaration in Resolution No. 2020-14, during the existence of this local emergency, the City Manager or his designee is authorized to take whatever action is authorized under the Ukiah City Code and state and federal law, subject to any required authorization from the City Council, consistent with the Resolution and its basic purposes; and

WHEREAS, under Ukiah City Code Sections 5221.F and 5130, in a declared local emergency the City Manager has the authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. All such orders and regulations to be effective must be in writing and signed by the promulgating official and must be confirmed at the earliest opportunity by the City Council.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Ukiah hereby confirms the Emergency Order (Exhibit A) of the City Manager, in his capacity as the Director of Emergency Services for the City, extending the operation period of the Winter Homeless Shelter from April 30, 2020 to June 30, 2020, and orders contained therein.

PASSED, ADOPTED and APPROVED this 29th day of April, 2020 by the following vote on roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Douglas F. Crane, Mayor

ATTEST:

Kristine Lawler, City Clerk



EMERGENCY ORDER OF THE CITY MANAGER OF THE CITY OF UKIAH, IN HIS CAPACITY AS THE DIRECTOR OF EMERGENCY SERVICES FOR THE CITY, EXTENDING OPERATION OF WINTER SHELTER FOR THE HOMELESS LOCATED AT 1045 SOUTH STATE STREET FROM APRIL 30, 2020 TO JUNE 30, 2020.

A. Background:

1. On March 4, 2020, the Governor of the State of California responded to the COVID-19 pandemic by issuing a Proclamation of State of Emergency under the authority of California Government Code Section 8625.
2. On March 18, 2020, in Resolution No. 2020-14, in response to the Governor's proclamation and the threat of the spread of COVID-19 in the City, the City Council ratified the proclamation of a local emergency pursuant to Government Code Section 8550, et seq., and Ukiah City Code Section 5125.
3. Under the Local Emergency Declaration in Resolution No. 2020-14, during the existence of this local emergency, the City Manager or his designee is authorized to take whatever action is authorized under the Ukiah City Code and state and federal law, subject to any required authorization from the City Council, consistent with the Resolution and its basic purposes.
4. Under Ukiah City Code Section 5130, in a declared local emergency the City Manager has the authority to promulgate orders and regulations to provide for the protection of life and property, where necessary to preserve the public order and safety. All such orders and regulations to be effective must be in writing and signed by the promulgating official and must be confirmed at the next regular meeting of the City Council.
5. The Governor in Executive Order N-33-20 issued a Stay-at-Home Order directing Californians to only leave their residence to obtain essential goods or services or to provide essential services and in Executive Order N-32-20 the Governor took steps to make additional funding available to increase shelter capacity for the homeless to assist in bringing unsheltered Californians indoors.
6. The Mendocino County Health Officer has issued enforceable Shelter-in-Place Orders, the most recent version issued on April 10, 2020, effective at 10 pm on April 10 ("April 10, 2020 Order").
7. The April 10, 2020 Order, in Section 2, states that individuals experiencing homelessness, while exempt from the requirement in the Order to shelter in their place of residence, are strongly urged to obtain appropriate shelter as soon as possible. Section 2

also states that governmental and other entities, to the extent feasible, are encouraged to make such shelter available, particularly for vulnerable populations.

8. In addition, the April 10, 2020 Order, in Section 12, states that “[g]overnment 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 the adopting and posting of a social distancing protocol and adequate provision of hand sanitizer, soap and water, or other disinfectant.”

9. Social Distancing Requirements, as defined in Section 9(p) of the April 10, 2020 Order, “include maintaining at least six feet of social distancing from other individuals, frequently washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.”

10. The current City of Ukiah Major Use Permit issued for the Winter Homeless Shelter operated by Redwood Community Services, Inc. (“RCS”) and located at 1045 South State Street in Ukiah states that operation of the Shelter is permitted “during winter for a duration of six (6) months commencing the first day of operation.” The Homeless Services Community Center Program Plan included as Exhibit A to the Use Permit states that the Winter Homeless Shelter shall operate from November 1, 2019 through April 30, 2020.

11. In order to comply with the April 10, 2020 Order and to ensure the health and safety of individuals experiencing homelessness, RCS has facilitated the expansion of the habitable area at the Winter Homeless Shelter into the adjacent former retail space in order to accommodate more beds.

12. In order to comply with the April 10, 2020 Order and to ensure the health and safety of individuals experiencing homelessness, the City and RCS wish to extend the operation period of the Winter Homeless Shelter during this local emergency until June 30, 2020.

B. Order

IT IS ORDERED by the City Manager, in his capacity as the Director of Emergency Services for the City of Ukiah, as follows:

1. The period of operation of the Winter Homeless Shelter located at 1045 South State Street in Ukiah shall be extended to June 30, 2020, provided that the Shelter is operated in substantial conformance with the conditions imposed in Permit 2748 UP-PC issued for the Winter Homeless Shelter for the operating period of November 1, 2019 through April 30, 2020.

2. RCS shall be authorized to continue to operate the Winter Homeless Shelter expansion in the adjacent former retail space, provided that, if RCS intends to operate in this adjacent space past June 30, 2020 or as provided for under subsequent emergency orders, they shall seek an amendment to their use permit to include this space.

3. RCS shall implement all COVID-19 social distancing requirements and other mitigation directives/guidelines ordered or advised by the County of Mendocino's Public Health Officer that are applicable to RCS's operation and use. RCS shall be responsible for obtaining directives and guidance from the Mendocino County Health & Human Services Agency.

4. RCS shall facilitate provision of all available County homeless services and resources through the Mendocino County Health & Human Services Agency for individuals utilizing the Winter Homeless Shelter, as required by the current Homeless Services Community Center Program Plan for the November 1, 2019 to April 30, 2020 operating period.



Sage Sangiacomo, City Manager
Director of Emergency Services, City of Ukiah

Dated: 04-28-2020