



Folsom City Council Staff Report

MEETING DATE:	7/14/2020
AGENDA SECTION:	Old Business
SUBJECT:	Resolution No. 10485 – A Resolution of the City Council Confirming Emergency Order DES-05-20 (Amended) Issued by the Director of Emergency Services
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council pass and adopt the following Resolution:

Resolution No. 10485 – A Resolution of the City Council Confirming Emergency Order DES-05-20 (Amended) Issued by the Director of Emergency Services

BACKGROUND / ISSUE

The rapid spread of the novel coronavirus 2019 (COVID-19) throughout the country has caused many states, including the State of California, to declare a state of emergency. Part of the reasons for the emergency declarations is due to the lack of a vaccine and effective medical treatment to help patients recover from COVID-19, which has resulted in severe illnesses, health complications and deaths worldwide.

The Governor of the State of California declared a state of emergency on March 4, 2020. The Sacramento County Board of Supervisors ratified the declaration of a state of emergency by the County Health Officer on March 10, 2020. The Folsom City Council declared the existence of a local emergency on March 16, 2020.

POLICY / RULE

Rules and regulations issued by the City's Director of Emergency Services must be confirmed by the City Council at the earliest practicable time. Folsom Municipal Code Section 2.28.040(E)(1).

ANALYSIS

On the basis of the City Council declaration of a local emergency, the City's Director of Emergency Services (City Manager) is empowered to make and issue rules and regulations on matters reasonably related to the protection of life, environment and property as affected by such emergency, and that such emergency rules and regulations must be confirmed by the City Council at the earliest practicable opportunity.

Following the City Council's proclamation of a local emergency, the City's Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020), Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020), Emergency Order DES-03-20 on April 10, 2020 (confirmed by the City Council on April 28, 2020), and Emergency Order DES-04-20 on May 1, 2020 (confirmed by the City Council on May 12, 2020).

In the interest of protecting life and property of those affected by the COVID-19 emergency, the City's Director of Emergency Services issued a further Emergency Order, DES-05-20, on June 29, 2020.

Upon consultation with the Sacramento County Department of Health Services, Emergency Order DES-05-20 was amended on July 2, 2020 (Attachment No. 2) to remove validation requirement for the public entering into City facilities claiming exemption from the statewide mask mandate due to medical reasons that prevent the wearing of a mask or face covering, as well as to order the closure of the City Public Library and the Andy Morin Sports Complex due to the State and Sacramento County Health Officer's directions and strong recommendation to avoid all indoor in-person activities in the interest of limiting the spread of COVID-19 and protecting the life, health and safety of Folsom residents.

Emergency Order DES-05-20 (Amended) is being presented to the City Council for confirmation consistent with Section 2.28.040(E)(1) of the Folsom Municipal Code.

FINANCIAL IMPACT

Costs and expenses associated with emergency response actions are budgeted in the City's General Fund, which may be reimbursable under the State and Federal emergency proclamations.

ENVIRONMENTAL REVIEW

This action is not considered a project under Section 15061(b)(3) of the California Environmental Quality Act Guidelines, and as such is exempt from environmental review.

ATTACHMENTS

1. Resolution No. 10485 – A Resolution of the City Council Confirming Emergency Order DES-05-20 (Amended) Issued by the Director of Emergency Services

2. Emergency Order DES-05-20 (Amended)

Respectfully submitted,



Steven Wang, City Attorney

ATTACHMENT 1

RESOLUTION NO. 10485

**A RESOLUTION OF THE CITY COUNCIL CONFIRMING
EMERGENCY ORDER DES-05-20 (AMENDED) ISSUED BY THE
DIRECTOR OF EMERGENCY SERVICES**

WHEREAS, the Governor of the State of California proclaimed on March 4, 2020 a State of Emergency to exist in California as a result of the threat from the rapid spread of a respiratory illness caused by novel coronavirus 2019 (COVID-19); and

WHEREAS, Sacramento County has confirmed community transmission of COVID-19, with multiple cases of diagnosed patients, and cautioned that the rapid transmission of COVID-19 poses an ongoing risk and likelihood of additional patients in Sacramento County; and

WHEREAS, on March 10, 2020 the Sacramento County Board of Supervisors ratified the County Public Health Officer's Proclamation of Local Public Health Emergency in Sacramento County due to the threat to public health and safety from COVID-19; and

WHEREAS, there is currently no vaccine or medical treatment specifically for COVID-19, which constitutes a potential epidemic under Section 8558 of the Government Code that, by reason of its magnitude, is potentially beyond the control of the services, personnel, equipment and facilities of the City of Folsom and requires the combined forces of a mutual aid region or regions to contain, control, combat, treat and mitigate; and

WHEREAS, on March 16, 2020, the City Council adopted Resolution No. 10408 and proclaimed the existence of a local emergency in the City of Folsom; and

WHEREAS, following the City Council proclamation of a local emergency, and based on the authority in Section 2.28.040 of the Folsom Municipal Code, the City's Director of Emergency Services issued Emergency Order DES-01-20 on March 20, 2020 (confirmed by the City Council on March 27, 2020), Emergency Order DES-02-20 on April 1, 2020 (confirmed by the City Council on April 14, 2020), Emergency Order DES-03-20 on April 10, 2020 (confirmed by the City Council on April 28, 2020), and Emergency Order DES-04-20 on May 1, 2020 (confirmed by the City Council on May 12, 2020); and

WHEREAS, in the interest of protecting life and property affected by the COVID-19 emergency, the City's Director of Emergency Services issued further rules and regulations in Emergency Order DES-05-20 on June 29, 2020; and

WHEREAS, upon consultation with the Sacramento County Department of Health Services, Emergency Order DES-05-20 was amended on July 2, 2020 to remove validation requirement for the public entering into City facilities claiming exemption from the statewide mask mandate due to medical reasons that prevent the wearing of a mask or face covering, as well as to order the closure of the City Public Library and the Andy Morin Sports Complex due to the State and Sacramento County Health Officer's directions and strong recommendation to

avoid all indoor in-person activities in the interest of limiting the spread of COVID-19 and protecting the life, health and safety of Folsom residents.

WHEREAS, rules and regulations issued by the City’s Director of Emergency Services shall be confirmed by the City Council as early as practicable under the circumstances of the emergency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that Emergency Order DES-05-20 (Amended) is hereby confirmed, and all actions taken in furtherance thereto are hereby ratified and approved.

PASSED AND ADOPTED this 14th day of July, 2020, by the following roll-call vote:

- AYES:** Council Member(s):
- NOES:** Council Member(s):
- ABSENT:** Council Member(s):
- ABSTAIN:** Council Member(s):

Sarah Aquino, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2



AMENDED EMERGENCY ORDER DES-05-20

Pursuant to the Proclamation of a State of Emergency by California Governor Gavin Newsom on March 4, 2020 in response to the rapid spread of the novel coronavirus (COVID-19), the Governor's Executive Orders (including but not limited to N-33-20), the City's Proclamation of a Local Emergency dated March 16, 2020, and the Orders of the Sacramento County Health Officer dated March 19, 2020, April 7, 2020, May 1, 2020, May 22, 2020, May 26, 2020, June 12, 2020, and June 19, 2020, and Government Code Section 8634, I hereby issue the following Order:

1. This Emergency Order DES-05-20 (Amended) replaces and supersedes Emergency Order DES-05-20 dated June 29, 2020.
2. Under Emergency Order DES-02-20 issued on April 1, 2020, non-essential permanent City employees designated by the Human Resources Department were directed to stay home, and the decision for those employees to return to duty have been made as needed on a case-by-case basis. All permanent City employees performing essential services continued to report to their normal and customary duty stations and work locations.
3. All non-essential permanent City employees previously directed to stay home under Emergency Order DES-02-20 are directed to return to their full-time work schedule effective July 1, 2020.
4. Returning to work full-time, however, does not mean that all employees must return to working on-site at their regular work location. While the COVID-19 public health emergency remains in effect, the City supports continuing with work from home, staggered shifts, and partial work at home days to limit the number of employees physically at work; however, such schedules must be approved in advance by the employee's Department Director.
5. Until termination of the local emergency, City employees (both essential and non-essential) reporting to City facilities must follow and comply with the COVID-19 Prescreening Protocol attached hereto as Exhibit "A" prior to shift. Time spent going through the COVID-19 Prescreening Protocol shall be counted as compensable work time for the employee.
6. City employees are encouraged not to report to work if they are sick or do not feel well. Employees will be directed to return home and seek medical attention if they show signs and

symptoms of COVID-19 exposure, or if their body temperature exceeds 100.5 degrees Fahrenheit.

7. Until termination of the local emergency, City-hired contractors and consultants coming to City facilities shall be subject to the COVID-19 Prescreening Protocol (Exhibit "A") prior to meeting with City employees. As an infectious disease mitigation measure to protect the health, safety and welfare of City employees and the public, no contract amendment or change order for additional time or compensation will be made for going through the COVID-19 Prescreening Protocol.

8. City-hired contractors and consultants are encouraged not to visit City facilities if they are sick or do not feel well. Those individuals will be directed to leave City facility and seek medical attention if they show signs and symptoms of COVID-19 exposure, or if their body temperature exceeds 100.5 degrees Fahrenheit.

9. As directed in email to all City Employees dated June 18, 2020:

- A. Members of the public entering any indoor City facility must wear a mask or face covering unless exempt from the statewide mask mandate.
- B. Every City employee must wear a mask or face covering when entering a City building *whether or not it's open to the public*. In other words, the moment the employee reaches for the handle of the door to enter the building (whether it's a public entrance or an employee-only entrance), the employee must put on a mask or face covering.
- C. Employee may remove mask/face covering ONLY upon reaching the employee's cubicle, office, or workspace, AND there is no one around less than six feet away.
- D. Employee must wear mask or face covering whenever leaving personal workspace, or whenever another person enters the employee's workspace who might come within six feet of the employee. This includes walking through hallways, visiting common areas, using elevators, and/or visiting the restroom (*again, even if those spaces are not open to the public*).
- E. Employee must wear mask or face covering at all times in areas accessible by the public, *whether or not members of the public are present*.
- F. Employees working outside City facilities must carry a mask or face covering, and shall put it on immediately if a person is approaching who is likely to come within six feet of the employee.
- G. Employees exempt from the statewide mask mandate shall notify Human Resources Department and provide supporting documentation from the employee's treating physician.

10. Due to the State and Sacramento County Health Officer's directions and strong recommendation to avoid all indoor in-person activities in the interest of limiting the spread of COVID-19 and protecting the life, health and safety of Folsom residents, the City Public Library and the Andy Morin Sports Complex are hereby closed effective from the date of this Order until further notice. Outdoor curbside and pick-up library services may be provided.

Failure of any person to comply with this Order and any order issued by a law enforcement officer pursuant to this Order constitutes an imminent threat to public health.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the City of Folsom, its departments, officers, employees, or any other person.

If any provision of this Order to the application thereof to any person or circumstances is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

This Order shall be filed in the City Clerk's Office and given widespread publicity and notice.

**IT IS SO ORDERED:
DES-05-20 (AMENDED)**

Date: July 2, 2020

By: 

Elaine Andersen
City Manager
Director of Emergency Services

EXHIBIT A

[COVID-19 SCREENING PROTOCOL]



Supervisor's Daily COVID-19 Prescreening

Supervisor (or designee approved by the department director) has employee check in prior to shift. Keeping proper 6-foot distancing when possible and **both wearing a face mask**, supervisor should ask employee health questions and administer temperature check. If employee passes this prescreening, supervisor should have employee sanitize hands before starting work. If employee does not pass the prescreening, he or she should be sent home and supervisor should notify Human Resources. Supervisor must update a report log recording prescreening completion each day.

Health Questions

1. Have you had at least two of the following symptoms in the last 24 hours?
 - a. Fever, cough, shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle aches (general malaise or fatigue), headache, sore throat, or new loss of taste or smell?
2. Have you or anyone in your household with whom you are currently living had:
 - a. a fever in the last 24 hours?
 - b. been told by a medical provider to stay at home due to COVID-19 symptoms?



- The  symbol indicates the Forehead temperature mode. The  symbol indicates the Object temperature mode.

Temperature Check

1. Pick up thermometer and press button to turn it on; make sure it is in **forehead mode**, hold the thermometer ½ - 1 inch away from employee's forehead and then press and release the measure button. The forehead temperature will be displayed on the screen.

- a. If the reading is between 97.5 and 99.0, one reading is sufficient. If the reading is outside of that range, a second reading should be conducted.
- b. If the second reading is between 97 and 100 degrees and within 0.3 degrees of the first, it is accepted. If it is more than 0.3 degrees different from the first reading, a third reading should be taken.
- c. If employee has a temperature reading above 99.5 degrees but below 100.5 degrees tell them to monitor how they are feeling and get rechecked in 4 hours.
- d. If employee has a **temperature at or above 100.5 degrees they should be told to leave the building and go home**, monitor their symptoms, and contact their healthcare provider.

QUICK GUIDE

1. Part hair
2. Wipe sweat
3. Point at the center (1-3cm)



To avoid a false positive reading, if employee arrives at work after physical exercise or on a "hot" day, or when there is a significant change from outside to inside temperatures, advise employee to wait 5 minutes before screening.

Sanitize Hands

Have employee disinfectant hands before leaving area. Have the employee use a paper towel to pick up the spritzer and sanitize their hands.

Log Daily Report

Notify Human Resources immediately should any employee fail the health screen or temperature check and needed to be sent home.

Update Health Screen Report Log listing all employees in your group. Clearly check by each employee's name that they completed the health questionnaire, the temperature check, and the hand sanitizing. Make sure today's date is indicated.

Decision Making

1. If an employee answers "yes" to any of the above questions you should tell the employee to go home, further monitor symptoms, and contact a healthcare provider on when it is appropriate to return to work.
2. If employee has a **temperature at or above 100.5 degrees, they should be told to leave the building and go home**, monitor their symptoms, and contact their healthcare provider.

Return to Work Guidelines

The City is following the current recommendations of the CDC and/or the treating health care provider for employees to return to work:

If you develop COVID-19 symptoms:

- If you have had COVID-19 symptoms that have resolved, and your health care provider clears you in writing, you may return to work.
- If you have not had a test or a health provider's clearance, you can return after these three things have happened: You have had no fever for at least 3 days AND other symptoms have improved AND at least 10 days have passed since your symptoms first appeared.
- If are tested for COVID-19, you can return if you have no fever, symptoms have improved, and you receive two negative test results in a row, at least 24 hours apart.

If a person in your household tests positive:

- Anyone who has close contact with someone with COVID-19 should stay home for 14 days after exposure based on the time it takes to develop illness.

Failure to Take Screening

If an employee refuses to take any part of the screening, remind them that it is an official policy of the City, and that failure to comply with it is a violation and subject to discipline. Further, they are not cleared for work and will either use their Annual Leave or be on Administrative Leave without Pay until in compliance.