



City of Woodland

Meeting Agenda

City Council

City Hall
Council Chambers
300 First Street
Woodland, CA 95695

April 14, 2020
6:00 PM

CITY COUNCIL

SPECIAL CITY COUNCIL MEETING

6:00 PM

PLEASE NOTE: The April 14, 2020 Woodland City Council will be conducted pursuant to the Governor's Executive Order N-29-20.

1. The meeting will be held via teleconference and Council members will participate via teleconference. Those locations are not listed on the agenda and are not accessible to the public.
2. The public is encouraged to listen to the City Council meeting live on Woodland TV Channel 20 and also by going to the City of Woodland web site at www.cityofwoodland.org/meetings.
3. If you wish to make a comment during general public comment or on a specific agenda item, there are two ways to do that. You may leave a voice mail message at (530) 661-5900. All voice mail messages received by 6:00 p.m. will be played during the City Council meeting and read into the record at the appropriate time. Any member of the public watching the live stream who wishes to make a comment on an item as it is being heard may submit an email to the City Clerk at CouncilMeetings@cityofwoodland.org prior to Public Comment on that item. Email comments submitted to be read into the record shall be no more than three (3) minutes when read aloud. Please include the agenda item in the subject line.

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. COMMUNICATIONS - PUBLIC COMMENT

This is an opportunity for the public to speak to the Council on any item other than those listed for public hearing on this agenda. Speakers are requested to use the microphone in front of the Council and to begin by stating their name, whether they reside in Woodland and the name of the organization they represent if any. The Mayor may impose a time limit on any speaker depending on the number of people wanting to speak and time available for the rest of the agenda. In the event comments are related to an item scheduled on the agenda, speakers may be required to wait to make their comments until that item is considered.

E. COMMUNICATIONS - COUNCIL/STAFF STATEMENTS AND REQUESTS

This is an opportunity for the Council Members and Staff to make comments and announcements, to express concerns, or to request Council's consideration of any items a Council Member would like to have discussed at a future Council meeting.

1. SUBJECT: Long Range Calendar

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive the Long Range Calendar for informational purposes only.

F. CONSENT CALENDAR

2. SUBJECT: Funding Adjustment for Community Development Block Grant Construction Activity

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving a \$12,000 CDBG funding increase for the Yolo Wayfarer Center's emergency shelter rehabilitation project.

3. SUBJECT: Housing for Healthy California Funding Application

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, approving an additional appropriation of \$24,000 to the Housing Trust (Fund 326) for preparation of a Housing for Healthy California program funding application; and authorize the City Manager to Execute Amendment #6 to the professional services agreement with Joan Planell for homeless consultation services.

4. SUBJECT: Resolutions Ratifying the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and Extended Limited Term COVID-19 Administrative Leave Policy

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt Resolution No. _____, Ratifying the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and Resolution No. _____, Ratifying the Extended Limited Term COVID-19 Administrative Leave Policy approved by Interim City Manager Ken Hiatt on April 8, 2020.

G. REPORTS OF THE CITY MANAGER

5. SUBJECT: Update on COVID-19 Response and Preparedness and Presentation from Yolo County Health Officer

RECOMMENDATION FOR ACTION: Receive an update and discuss next steps.

6. SUBJECT: Yolo COVID-19 Nonprofit Relief Initiative Support

RECOMMENDATION FOR ACTION: Staff recommends that the City Council receive an update on the Yolo COVID-19 Nonprofit Relief Initiative and take the following actions:

1. Adopt Resolution No. _____, authorizing the City Manager to enter into an agreement for local funding support to the Yolo COVID-19 Nonprofit Relief Initiative; and
 2. Authorize an appropriation toward this effort of \$25,000; and
 3. Appoint a Council Member to serve as the City Council liaison on the Leadership Advisory group for the Initiative.
7. SUBJECT: Amended and Restated Urgency Ordinance regarding Temporary Moratorium on Evictions

RECOMMENDATION FOR ACTION: Staff recommends that the City Council adopt an Amended and Restated Urgency Ordinance No. _____, an Urgency Ordinance of the City Council of the City of Woodland Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent for Commercial Tenants Where the Failure to Pay Rent Results from Business Income Loss Resulting From the Novel Coronavirus (COVID-19) and Setting Forth the Facts Constituting Such Urgency.

H. ADJOURN

I declare under penalty of perjury that the foregoing Agenda for the Special City Council Meeting of the City of Woodland scheduled for Tuesday, April 14, 2020 was posted on Friday, April 10, 2020 in the outside display case at City Hall, 300 First Street, Woodland, CA, and was available to the public during normal business hours.


Ana B. Gonzalez
City Clerk

Upon request, agendas and documents in the agenda packet will be made available in appropriate alternative formats to persons with a disability, as required by law. Any such requests must be made in writing to the Office of the City Clerk of the City of Woodland. Requests will be valid for the calendar year in which the request is received, and must be renewed prior to January 1st.

Persons needing disability-related modifications or accommodations in order to participate in public meetings, including persons requiring auxiliary aids or services, may request such

modifications or accommodations by calling the Office of the City Clerk (530-661-5806) at least 48 hours prior to the meeting.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: E.1
SUBJECT:



Ken Hiatt
Interim City Manager

Attachments:

1. Council Long Range Calendar (kh 4.10.20)

UPDATED COUNCIL LONG RANGE CALENDAR

APRIL 21ST	TELECONFERENCE	REGULAR MEETING
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Update on COVID-19
 Big Day of Giving Proclamation
 Earth Day Proclamation
 Master MOU with Homeless Partners
 Spring Budget Workshop
 Measure J – Nov 2020 ballot measure
 CSD Quarterly Report

APRIL 28TH	TELECONFERENCE	SPECIAL MEETING
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Update on COVID-19

MAY 5TH	REGULAR MEETING
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Update on COVID-19
 City Council Meeting Minutes of May 5, 2020 and May 19, 2020
 EV Charging Station MOU – Electrify Yolo Project
 Approve Interim Shelter Bid Package
 Presentation: FY2020/21 Proposed Budget

Public Hearing

E. Main Street Mini-Storage Conditional Use Permit

MAY 19TH	REGULAR MEETING
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Woodland Research & Tech Park – Specific Plan
 Traffic Calming Update – Pilot Projects
 IT Presentation
 Apprenticeship / Workforce Development Programs

Future Topics / Study Sessions:

June Adoption FY2020/21 Budget Draft Ballot Language – Meas. J Renewal Board and Commission Appointments June 2, 2020	July Presentation: City/Chamber Youth Works Program
August Council Recess 7/22 – 8/17	TBD Comprehensive Zoning Update (Fall) Flood Project Certification of Final EIR (Fall) Gang Task Force MOU



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: F.2
SUBJECT: Funding Adjustment for Community Development Block Grant
Construction Activity

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, approving a \$12,000 CDBG funding increase for the Yolo Wayfarer Center's emergency shelter rehabilitation project.

Staff Contact:

Dan Sokolow, Senior Planner – (530) 661-5927, dan.sokolow@cityofwoodland.org

Fiscal Impact:

There is no impact to the General Fund. Existing budgeted CDBG funds are available from funded activities that have not used their full allocations. Savings will be used from projects that are not expected to use their full allocation and will be used to cover the \$12,000 increase for the Yolo Wayfarer Center's project.

Background:

The Yolo Wayfarer Center received CDBG funding for Fiscal Years 2018 (\$42,000) and 2019 (\$70,000) to expand the emergency shelter's building footprint into a courtyard area. Subsequently, the scope of work was revised to rehabilitate existing spaces at the shelter including the restrooms.

Discussion:

CDBG-funded rehabilitation work at the Yolo Wayfarer Center began last year and was completed in March. Dry rot was discovered in the shower areas of both restrooms and this led to additional work that was not anticipated at a cost of approximately \$12,000. The additional cost was not budgeted and existing CDBG funds are available to cover the cost overrun.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, approving a \$12,000 CDBG funding increase for the Yolo Wayfarer Center's emergency shelter rehabilitation project.

Prepared by: Dan Sokolow
Senior Planner

Reviewed by: Christine Engel
CSD Director



Ken Hiatt
Interim City Manager

Attachments:

1. April 14, 2020 Reso

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROVING A \$12,000 FUNDING INCREASE FOR THE YOLO WAYFARER CENTER'S
EMERGENCY SHELTER REHABILITATION PROJECT**

WHEREAS, the Yolo Wayfarer Center received Community Development Block Grant (CDBG) funding allocations for Fiscal Years 2018 (\$42,000) and 2019 (\$70,000) to expand the footprint of YWC's emergency shelter into a courtyard area; and

WHEREAS, the scope of the CDBG-funded project was revised to rehabilitate existing spaces at the emergency shelter and dry rot was discovered in the shower areas of the shelter;

WHEREAS, the dry rot repairs were not anticipated and resulted in an additional, unbudgeted cost of approximately \$12,000.

NOW THEREFORE, BE IT RESOLVED, as follows:

The City Council does hereby approve a CDBG funding increase of \$12,000 for the Yolo Wayfarer Center's emergency shelter rehabilitation project through the utilization of existing CDBG funds

PASSED AND ADOPTED this 14th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: F.3
SUBJECT: Housing for Healthy California Funding Application

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, approving an additional appropriation of \$24,000 to the Housing Trust (Fund 326) for preparation of a Housing for Healthy California program funding application; and authorize the City Manager to Execute Amendment #6 to the professional services agreement with Joan Planell for homeless consultation services.

Staff Contact: Dan Sokolow, Senior Planner – 530-661-5927, dan.sokolow@cityofwoodland.org

Fiscal Impact:

There is no impact to the General Fund. The City will incur a cost of \$49,200 to retain two consultants (Thurmond Consulting and Joan Planell) requiring an additional FY 2020 appropriation of \$24,000 funded through Housing Trust (Fund 326) and the balance of the consultant costs, \$25,200, will be covered with an existing appropriation (predevelopment funds provided through a grant from Partnership HealthPlan of California). Thurmond Consulting will be paid a maximum of \$30,000 for work on the application while the cost for Joan Planell's work will not exceed \$19,200.

Background:

The 2020 Housing for Healthy California (HHC) Article I program makes available \$43.5 million in deferred loans and operating reserve funds to be used in developing permanent supportive housing for individuals who are chronically homeless, or homeless and a high cost health user. Applications are due June 25, 2020 with award announcements in October. Funding is a 55-year deferred loan (principal and interest).

Discussion:

Woodland nonprofit Friends of the Mission (FOM) will serve as the applicant for the HHC funding and be responsible for repayment of the HHC loan. It is proposed that Thurmond Consulting and Joan Planell be retained to prepare the application; both consultants worked on the successful 2019 \$5 million No Place Like Home (NPLH) funding application. Planell also prepared FOM's successful \$1.5 million grant application submitted to Dignity Health.

An additional \$10 million is available in this year's funding round because last year's HHC program was undersubscribed raising the potential for funding a low scoring application that meets the minimum scoring threshold. FOM's HHC application would seek funding of approximately \$2.8 million. A successful application would close most of the funding gap necessary for completing the financing plan for the approximate \$10.2 million cost of the NPLH Permanent Supportive Housing development.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, approving an additional appropriation of \$24,000 to the Housing Trust (Fund 326) for preparation of a Housing for Healthy California program funding application; and authorize the City Manager to Execute Amendment #6 to the professional services agreement with Joan Planell for homeless consultation services.

Prepared by: Dan Sokolow, Senior Planner

Reviewed by: Evis Morales, Financial Services Manager

Reviewed by: Christine Engel, CSD Director

A handwritten signature in black ink, appearing to read 'Ken Hiatt', with a long horizontal flourish extending to the right.

Ken Hiatt
Interim City Manager

Attachments:

1. HHC Reso Apr 14, 2020

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND
APPROPRIATING \$24,000 FOR PREPARATION OF A FUNDING APPLICATION
THROUGH THE HOUSING FOR A HEALTHY CALIFORNIA PROGRAM AND
AUTHORIZING THE CITY MANAGER TO EXECUTE AMENDMENT #6 TO THE
PROFESSIONAL SERVICES AGREEMENT WITH JOAN PLANELL FOR HOMELESS
CONSULTATION SERVICES**

WHEREAS, the 2020 Housing for Healthy California (HHC) Article I program makes available \$43.5 million in deferred loans and operating reserve funds to be used in developing permanent supportive housing for individuals who are chronically homeless, or homeless and a high cost health user;

WHEREAS, local nonprofit Friends of the Mission plans to submit a funding application in the approximate amount of \$2.8 million through the HHC program in support of the 61-unit No Place Like Home (NPLH) Permanent Supportive Housing that will be located at the East Beamer Way site and has requested assistance from the City to support consultant costs necessary to prepare the application;

WHEREAS, a successful application would close most of the funding gap necessary for completing the financing plan for the approximate \$10.2 million cost of the NPLH Permanent Supportive Housing development;

WHEREAS, Thurmond Consulting and Joan Planell who provides homeless consultation services to the City will prepare the HHC application and Planell's current professional services agreement with the City expires on April 30, 2020.

NOW THEREFORE, BE IT RESOLVED THAT the City Council does hereby:

- (1) Approve the following appropriation and amends the FY 2020 budget as necessary: an additional \$24,000 in Housing Assistance (Fund 326) to fund consultant costs necessary for the preparation of a Housing for Healthy California funding application; and
- (2) Authorizes the City Manager to execute Amendment #6 for professional services agreement for homeless consultation services with Joan Planell to increase the compensation by \$19,200 (from \$107,540 to \$126,740) and extends the term of the agreement through June 30, 2020.

PASSED AND ADOPTED this 14th day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Richard Lansburgh, Mayor

ATTEST:

Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:

Kara K. Ueda, City Attorney



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: F.4
SUBJECT: Resolutions Ratifying the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and Extended Limited Term COVID-19 Administrative Leave Policy

Recommendation for Action: Staff recommends that the City Council adopt Resolution No. _____, Ratifying the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and Resolution No. _____, Ratifying the Extended Limited Term COVID-19 Administrative Leave Policy approved by Interim City Manager Ken Hiatt ed by the Interim City Manager on April 8, 2020.

Staff Contact:

Sheila McShane, Human Resources Manager, (530) 661-5807, Sheila.mcshane@cityofwoodland.org

Fiscal Impact:

The action to approve the FMLA Leave Expansion and Emergency Paid Sick Leave Policy (EFMLA and EPSL Policy) and the Extended Limited Term COVID-19 Administrative Leave Policy (Administrative Leave Policy) will have no direct fiscal impact as the FY2019-20 allows for full payment of salaries for all employees.

Background:

In response to the COVID-19 emergency and Shelter in Place order from the Yolo County Health Officer, and in an effort to mitigate impacts on those directed not to work at a City worksite, the City implemented a Limited Duration Teleworking Policy (Teleworking Policy) and the Limited Duration COVID-19 Administrative Policy. The Teleworking Policy is still in effect and will continue throughout the County Shelter in Place order. The COVID-19 Administrative Leave Policy went into effect on March 19, 2020, was ratified by the City Council on March 24, 2020, and expired on April 7, 2020.

Yolo County has extended the Shelter in Place Order until May 1, 2020, and therefore City facilities will remain closed to the public through that date. Additionally, in response to the ongoing pandemic, the federal government approved new employee leave legislation to assist employees during this challenging time. Although the federal legislation does not cover every employer, City of Woodland employees are eligible.

Discussion:

The Interim City Manager issued two policies on April 8, 2020, the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and the Extended Limited Term COVID-19 Administrative Leave Policy. These policies were issued to comply with recent leave related federal legislation that became effective on April 1, 2020 and the expiration of the City's Limited Duration COVID-19 Administrative Leave Policy that expired on April 7, 2020. The new policies took effect immediately on April 8, 2020, subject to ratification by the City Council.

FMLA Leave Expansion and Emergency Paid Sick Leave Policy (Coronavirus)

On March 18, 2020, the federal government approved the Families First Coronavirus Response Act (FFCRA)

to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. The FFCRA contains both the Emergency Family and Medical Leave Expansion Act (EFMLA) and the Emergency Paid Sick Leave Act (EPSL). The new leave laws are effective beginning April 1, 2020 through December 31, 2020.

The EPSL provides 80 hours of paid sick leave if an employee is unable to work (or unable to telework) due to any of the following:

- The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19
- The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis
- The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions
- The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and secretary of labor

Additional details on the EPSL, including rate of pay, interaction with other paid leave, and the process for requesting leave are provided in the EFMLA and EPSL Policy document.

The EFMLA provides extended leave for employees who are unable to work (or telework) due to a need to care for a child because the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19, and there is no suitable person available to care for the child. The specific definitions, duration of leave, relationship to existing FMLA leave, and process for requesting leave are provided in the EFMLA and EPSL Policy document.

Extended Limited Duration COVID-19 Administrative Leave Policy

The Administrative Leave Policy is a temporary policy that allows City employees, under certain circumstances, to receive paid administrative leave as a result of changes to the City's operations caused by the COVID-19 pandemic. This policy is a follow-on policy to the Limited Duration COVID-19 Administrative Policy approved on March 19 which expired April 7, 2020. This new Administrative Leave Policy is only to be used to supplement the FFCRA Leaves which must be taken first, or to provide leave not otherwise provided.

The Administrative Leave Policy provides 70 hours of leave and expires on May 1, 2020. Employees who have been sent home or instructed not to report for duty due to lack of work and who are unable to work remotely are the typical qualifying employee for this specific leave. Those employees able to perform intermittent work may also qualify for this leave. The COVID-19 Administrative Leave has no cash value and may not be donated to other City employees. Specific details on the interface with the federal FFCRA leaves can be found in the Administrative Leave Policy.

Conclusion:

Staff recommends that the City Council adopt Resolution No. _____, Ratifying the FMLA Leave Expansion and Emergency Paid Sick Leave Policy and Resolution No. _____, Ratifying the Extended Limited Term COVID-19 Administrative Leave Policy approved by Interim City Manager Ken Hiatt ed by the Interim City Manager on April 8, 2020.

Prepared by: Lynn Johnson, Senior Management Analyst



Ken Hiatt
Interim City Manager

Attachments:

1. Resolution
2. Resolution
3. FMLA Leave Expansion & Emergency Paid Sick Leave Policy (Coronavirus)
4. Extended Limited Duration COVID-19 Admin Leave Policy

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WOODLAND RATIFYING THE FMLA EXPANSION AND
EMERGENCY PAID SICK LEAVE POLICY ADOPTED BY THE
INTERIM CITY MANAGER ON APRIL 8, 2020**

WHEREAS, the City has been and is taking all appropriate actions to protect public health and limit the spread of COVID-19, which has been determined by the World Health Organization to be a pandemic; and

WHEREAS, the Governor of the State of California declared a state of emergency on March 4, 2020, the Yolo County Board of Supervisors ratified a local and public health emergency on March 10, 2020, and the President of the United States declared a national emergency on March 13, 2020; and

WHEREAS, the City Council on March 17, 2020 declared a state of local emergency; and

WHEREAS, in compliance with the Yolo County Health Officer's shelter in place order of March 18, 2020, the City of Woodland began taking steps to reduce its operations and to only have essential City personnel remain at work and in the field; and

WHEREAS, the federal government approved the Families First Coronavirus Response Act ("FFCRA") on March 18, 2020, which requires the City to provide both Emergency Paid Sick Leave and expanded Family and Medical Leave to eligible employees from April 1, 2020 through December 31, 2020; and

WHEREAS, the FFCRA contains both the Emergency Family and Medical Leave Expansion Act (EFMLA), which expands and provides an additional reason for leave under the FMLA, and the Emergency Paid Sick Leave Act (EPSL), which creates a new paid leave entitlement; and

WHEREAS, the FFCRA provides leave for eligible City employees who are ill with COVID-19, have symptoms and are waiting for a COVID-19 diagnosis, are quarantined due to a health care provider's advisement due to concerns related to COVID-19, are caring for someone with COVID-19, cannot work due to needing to take care of children as a result of not having child care or a school closure due to COVID-19; and

WHEREAS, the City is committed to working with its entire workforce, including emergency responders and Disaster Service Workers, through creative scheduling and assignments to assist its employees in addressing the needs of their families.

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

Section 1. The City Council hereby ratifies the FMLA Leave Expansion and Emergency Paid Sick Leave Policy that was issued by the Interim City Manager on April 8, 2020.

Section 2. As specified in the Policy, the policy went into effect on April 8, 2020, and shall remain in effect until December 31, 2020, but the leave provided in the policy is effective as of April 1, 2020.

Section 3. The Policy may be updated based on additional guidance from the Department of Labor.

Section 4. EPSL provided through FFCRA will not be provided beyond December 31, 2020, shall not be carried forward to the next year, shall have no cash value, shall not be credited towards service credit within the Public Employees Retirement System, and may not be donated or used for any other purpose other than those stated in the Policy.

Section 5. The City Manager is hereby directed to implement the Policy.

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Woodland at a special meeting on the 14th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WOODLAND RATIFYING THE EXTENDED LIMITED
DURATION COVID-19 ADMINISTRATIVE LEAVE POLICY
ADOPTED BY THE INTERIM CITY MANAGER ON APRIL 8, 2020**

WHEREAS, the City has been and is taking all appropriate actions to protect public health and limit the spread of COVID-19, which has been determined by the World Health Organization to be a pandemic; and

WHEREAS, the Governor of the State of California declared a state of emergency on March 4, 2020, the Yolo County Board of Supervisors ratified a local and public health emergency on March 10, 2020, and the President of the United States declared a national emergency on March 13, 2020; and

WHEREAS, the City Council on March 17, 2020 declared a state of local emergency; and

WHEREAS, in compliance with the Yolo County Health Officer's shelter in place order of March 18, 2020, the City of Woodland began taking steps to reduce its operations and to only have essential City personnel remain at work and in the field; and

WHEREAS, beginning on March 19, 2020, many City employees began working remotely from home, but not all City employees have jobs that allow them to work from home and/or there is insufficient work available for them to do at home, and some City employees have been sent home and/or were directed not to report to their regularly scheduled work; and

WHEREAS, to help mitigate the financial effects of these actions related to COVID-19, the Interim City Manager issued the Limited Duration COVID-19 Administrative Leave Policy ("Policy"), which was ratified by the City Council on March 24, 2020, and was in effect from March 19, 2020 through April 7, 2020, the date the County's shelter in place order originally was set to expire; and

WHEREAS, the federal government approved the Families First Coronavirus Response Act ("FFCRA"), which requires the City to provide both Emergency Paid Sick Leave and expanded Family and Medical Leave to eligible employees from April 1, 2020 through December 31, 2020; and

WHEREAS, the FFCRA provides leave for eligible City employees who are ill with COVID-19, have symptoms and are waiting for a COVID-19 diagnosis, are quarantined due to a health care provider's advisement due to concerns related to COVID-19, are caring for someone with COVID-19, cannot work due to needing to take care of children as a result of not having child care or a school closure due to COVID-19; and

WHEREAS, the FFCRA does not provide leave for those City employees who do not fall into one of the above categories but are not working (either at a City worksite or teleworking); and

WHEREAS, the City Council recognizes that this remains a time of significant economic stress for many residents of the City of Woodland as daily life has dramatically changed, schools have closed, events have been cancelled, businesses have closed, restaurants have either closed or offer take-out delivery only, and people have been laid off or had their hours reduced; and

WHEREAS, the City Council values its entire workforce and finds that providing additional paid leave to its employees who will remain on call to provide services to the City to either fulfill their own job duties or to serve as disaster service workers is critical to helping prevent the spread of a contagious virus that has become a global pandemic, and will help ensure that the City has a healthy workforce available to further assist in addressing critical City needs during the period of the local emergency, both of which serve a public purpose; and

WHEREAS, the City Council further finds that providing paid administrative leave during this time of emergency serves a public purpose by helping ensure the seamless continuity of operations once City operations resume to normal conditions, and the City Council determines that providing Extended COVID-19 Administrative Leave through May 1, 2020, the date the County's shelter in place order expires, will assist employee morale during this challenging time.

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

Section 1. The City Council hereby ratifies the Extended Limited Duration COVID-19 Administrative Leave Policy that was issued by the Interim City Manager on April 8, 2020.

Section 2. As specified in the Policy, the policy went into effect on April 8, 2020, and shall remain in effect until May 1, 2020, unless extended. All employees eligible for leave under the FFCRA, which went into effect on April 1, 2020, are required to use that leave first. Full-time City employees who were sent home or instructed not to report for duty due to lack of work and who are unable to work remotely due to a reduction in City operations and do not qualify for leave under the FFCRA are granted an additional 70 hours of leave between April 8 and May 1, 2020. This leave may be taken on an intermittent basis by employees who need to supplement their hours if they do not have enough work to do. If an employee exhausts the 70 hours, employees who are not working either at the City or remotely may use any available leave balance as wage replacement sources, including all accrued paid leave.

Section 3. As specified in the Extended Limited Duration COVID-19 Administrative Leave Policy, the COVID-19 Administrative Leave shall have no other cash value, may not be donated or used for any other purpose, and is only available for use during the time period specified in the Policy.

Section 4. The City Manager is hereby directed to implement the Policy.

Section 5. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Woodland at a special meeting on the 14th day of April, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

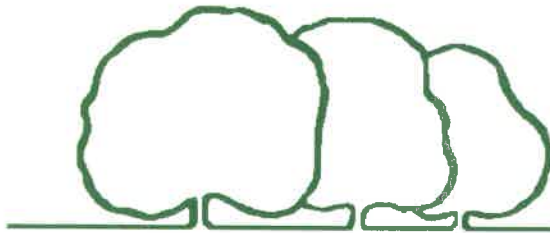
Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney



City of Woodland

ADMINISTRATIVE POLICY

Policy No. 15-107

Date Issued: April 8, 2020

Date Revised: None

Version No.: 1

Approved by:


Ken Hiatt, Interim City Manager

FMLA LEAVE EXPANSION AND EMERGENCY PAID SICK LEAVE POLICY **(CORONAVIRUS)**

Purpose

The purpose of this temporary policy is to comply with the Families First Coronavirus Response Act ("FFCRA") and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020 until December 31, 2020. The FFCRA contained both the Emergency Family and Medical Leave Expansion Act, expanding and providing an additional reason for leave under the FMLA, and the Emergency Paid Sick Leave Act, creating a new paid leave entitlement. The existing FMLA leave policy still applies to all other reasons for leave outside of this policy, and all other applicable leave policies still apply. This policy may be updated based on additional guidance from the Department of Labor ("DOL").

Family and Medical Leave Expansion

Employee Eligibility

All employees who have been employed with the City of Woodland (the "City") for at least 30 calendar days.

Those who qualify as "emergency responders" may not be eligible for leave, depending on available staff, the City's operational needs, and the ability to adequately cover essential services during a public health emergency crisis, which will be determined on a case by case basis. For purposes of this policy, "emergency responders" include sworn police and fire personnel and any employee performing tasks as a Disaster Service Worker at the City's direction. However, even if an employee is not eligible for EFMLA, the City is committed to working with its entire workforce through creative scheduling and assignments to assist its employees in addressing the needs of

their families. “Emergency responder” employees should contact Human Resources for specific requests and concerns.

Qualifying Reason for Leave

Eligible employees who are unable to work (or telework) due to a need to care for a child because the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19, and there is no suitable person available to care for the child.

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, or a child who is incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- the eligible child care provider need not be compensated or licensed if he or she is a family member or friend, such as a neighbor, who regularly cares for the employee’s child

“School” means an elementary or secondary school.

Duration of Leave

Employees will have up to 12 weeks of leave to use from April 1, 2020 through December 31, 2020, for a qualifying reason for leave, stated above. Leave can be taken on an intermittent basis, on a schedule approved by the City.

This entitlement to leave is an additional qualifying reason for leave, and not an additional leave entitlement. Therefore, employees will be entitled to a total of 12 weeks in a 12 month period (as measured in the established FMLA Policy) for all qualifying reasons. For example, if an employee has already taken 6 weeks of FMLA leave, that employee would be eligible for the remaining 6 weeks of FMLA leave for a qualifying reason, including to care for a child under this policy.

Pay During Expanded FMLA Leave

Leave will be unpaid for the first 14 calendar days of leave; however, employees may use any accrued paid vacation, sick, compensatory time off, or administrative leave during this time. The employee may also elect to use the paid leave provided under the Emergency Paid Sick Leave Act, as further explained below. After the first 14 calendar days, leave will be paid at two-thirds (2/3) of an employee’s regular rate of pay for the number of hours the employee would otherwise be scheduled to work. Pay will not exceed \$200 per day, and \$10,000 in total.

Employees may, at their option, elect to use sick leave, vacation, compensatory time off, or administrative leave on a pro rata basis, to supplement this pay up to full pay.

For part-time employees with varying hours to such an extent that the hours worked cannot be determined with certainty, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Employee Status and Benefits During Leave

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium (if any). During any unpaid portions of leave, the employee must continue to make this payment per instructions from the HR department. These provisions are the same as for all other FMLA leave, as described in the current FMLA Policy.

Procedure for Requesting Leave

All employees requesting FMLA leave must provide written notice, where possible, of the need for leave to HR as soon as practicable. A form will be provided to all employees for documenting the leave request. Oral notice will otherwise be accepted but only until written notice can be provided within a reasonably practicable time.

The notice the employee provides should include: a brief statement as to the reason for leave; the expected duration of leave; whether leave is needed on a full-time or intermittent basis; the name of the child being cared for; the name of the school, place of care, or childcare provider that has closed or become unavailable; and a representation that no other suitable person is available to care for the child(ren) during the period of leave requested.

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

Employee Status After Leave

Generally, an employee who takes expanded FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms.

Please contact the HR department with any questions.

Emergency Paid Sick Leave

Emergency Paid Sick Leave ("EPSL"), as described below will be available for use beginning April 1, 2020.

Eligibility

All full- and part-time employees unable to work (or telework) due to one of the following reasons for leave:

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

"Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, or a child who is incapable of self-care because of a mental or physical disability.

Amount of Paid Sick Leave

All eligible full-time employees will have up to 80 hours of paid sick leave available to use for the qualifying reasons above. Eligible part-time employees will have the number of hours worked, on average, over a two-week period, of paid sick leave available to use for the qualifying reasons above.

For part-time employees with varying hours, to such an extent that the hours worked cannot be determined with certainty, one of two methods for computing the number of hours paid will be used:

- The average number of hours that the employee was scheduled per day over the 6-month period ending on the date on which the employee takes leave, including hours for which the employee took leave of any type; or,
- If the employee has worked less than 6 months, the expected number of hours to be scheduled per day at the time of hire.

Rate of Pay

Paid emergency sick leave will be paid at the employee's regular rate of pay, for leave taken for reasons 1-3 above. Employees taking leave for reasons 4-6 above will be compensated at two-thirds their regular rate of pay.

Pay will not exceed:

- \$511 per day and \$5,110 in total for leave taken for reasons 1-3 above;
- \$200 per day and \$2,000 in total for leave taken for reasons 4-6 above.

Employees may, at their option, elect to use sick, vacation, personal, or other leave available to them on a pro rata basis, to supplement this pay up to full pay.

Interaction with Other Paid Leave

The employee may use emergency paid sick leave under this policy before using any other accrued paid time off for the qualifying reasons stated above.

Employees on expanded FMLA leave under this policy may use emergency paid sick leave during the first 14 calendar days of normally unpaid expanded FMLA leave.

Procedure for Requesting Emergency Paid Sick Leave

Employees must notify their department manager or HR of the need and specific reason for leave under this policy. A form will be provided to all employees for certifying the leave request. Oral notification will be accepted until practicable to provide written notice.

Once emergency paid sick leave has begun, the employee and his or her manager must determine reasonable procedures for the employee to report periodically on the employee's status and intent to continue to receive paid sick time.

Employees may be requested to provide medical certification or a medical note supporting the need for leave under appropriate circumstances, but will not be required when not practicable to obtain.

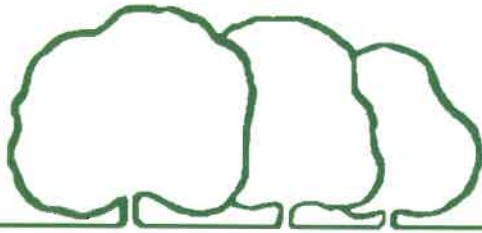
Carryover

Paid emergency sick leave under this policy will not be provided beyond December 31, 2020. Any unused emergency paid sick leave will not carry over to the next year or be paid out to employees.

Job Protections

No employee who appropriately utilizes emergency paid sick leave under this policy will be discharged, disciplined, or discriminated against for use of leave under the policy or any request to use leave under this policy.

Please contact the HR department with any questions.



City of Woodland

ADMINISTRATIVE POLICY

Policy No. 15-106

Date Issued: April 8, 2020

Date Revised: None

Version No.: 1

Approved by:


Ken Hiatt, Interim City Manager

EXTENDED LIMITED DURATION COVID-19 ADMINISTRATIVE LEAVE POLICY

PURPOSE AND BACKGROUND

This Extended Limited Duration COVID-19 Administrative Leave Policy ("Extended COVID-19 Administrative Leave") is a temporary policy that allows City employees, under certain circumstances, to receive paid administrative leave as a result of changes to the City's operations caused by the COVID-19 global pandemic. This policy is intended to take effect as of April 8, 2020 (following the original Limited Duration COVID-19 Administrative Leave Policy ratified by the City Council on March 24, 2020). This Extended COVID-19 Administrative Leave Policy is subject to ratification by the City Council on April 14, 2020.

The City Council declared a local emergency on March 17, 2020. The Yolo County Health Officer issued a Shelter In Place Order on March 18, 2020, effective as of 12:01 a.m., March 19 2020. The Shelter in Place Order, among other things, directs all residents to shelter in place except to, among other things, perform essential governmental functions. On April 1, 2020, the Yolo County Health Officer extended the Shelter in Place order to May 1, 2020.

As a part of the local emergency, in response to the Shelter In Place Order, and to help prevent the spread of COVID-19, the City has continued its steps to scale back City operations. In doing so, the City reduced available services to the public, which resulted in a reduction in the number of City employees who were needed to perform City services. While arrangements have been made, where possible, to have as many employees work remotely from home, this option is not available for all City employees.

Some City employees have been sent home and/or were directed not to report to their regularly scheduled workplace on March 19, 2020, due to these City-initiated operational changes. Requiring City employees to use their available leave balances may cause some City

employees to experience significant financial impacts, in particular those employees with limited leave balances, and this policy is intended to help mitigate some of those impacts. This policy is also intended to help ensure that the City has a healthy workforce from which to draw upon, both to perform essential City functions as well as to perform work as disaster service workers, and to help ensure that the City is able to quickly return to normal operations as soon as possible following the termination of the local emergency caused by COVID-19.

The City expects all City employees using COVID-19 Administrative Leave pursuant to this Policy to be available to report to work if called upon to do so during normal working hours, either to fulfill their assigned job functions or as a City disaster service worker. City employees must be able to be physically present at a City worksite within two (2) hours if called upon to do so. Employees must remain fit for duty, which means that they must not consume alcohol or drugs that would prevent them from being available to report to work during their normally scheduled hours. If an employee cannot serve as a disaster service worker due to illness, the employee must use any available sick leave. If an employee chooses not to be available as a disaster service worker, the employee will be required to use any available leave balance or take unpaid leave.

MANDATORY SICK LEAVE AND EXTENDED FMLA LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

Effective April 1, 2020, the City has adopted a FMLA Leave Expansion and Emergency Paid Sick Leave policy intended to provide leave to all eligible employees in accordance with the Families First Coronavirus Response Act ("the FFCRA Leave Policy"). The terms of that policy provide employees with a bank of sick leave and paid expanded FMLA leave for certain enumerated reasons. This Extended COVID-19 Administrative Leave policy is intended to supplement the FFCRA Leave Policy and to provide leave not otherwise provided.

ELIGIBILITY

Full-time City employees are eligible for paid leave under this Extended COVID-19 Administrative Leave Policy. Part-time employees are not eligible for paid leave under this policy (but are eligible for leave for qualifying reasons under the FFCRA Leave Policy). Full-time City employees who qualify for the COVID-19 Extended Administrative Leave include the following:

1. City employees who are sent home or instructed not to report for duty due to lack of work and who are unable to work remotely resulting from a reduction in City operations during the COVID-19 emergency. Some employees may be working a reduced schedule (whether on-site or remotely from home), not of their own choice. This Extended COVID-19 Administrative Leave Policy is intended to supplement those hours and to make the employee whole for those time periods in which the employee is not working.

2. Effective April 1, 2020, if an employee is experiencing symptoms of COVID-19 (fever, coughing, shortness of breath) and is seeking a medical diagnosis, the employee will be eligible for and will receive paid leave under the FFCRA Leave Policy (in lieu of Extended Administrative Leave).
3. Effective April 1, 2020, if an employee has been diagnosed with COVID-19 or advised by a healthcare provider to self-quarantine due to concerns related to COVID-19, the employee will be eligible for and will receive paid leave under the FFCRA Leave Policy (in lieu of Extended Administrative Leave).
4. Effective April 1, 2020, if an employee is caring for an individual who is subject to a quarantine order from a healthcare provider arising out of concerns related to COVID-19, the employee will be eligible for and will receive paid leave under the FFCRA Leave Policy (in lieu of Extended Administrative Leave).
5. Effective April 1, 2020, if an employee is unable to work or telework due to the need to care for a child whose school or place of care is unavailable due to COVID-19 precautions, the employee will be eligible for and will receive paid leave under the FFCRA Leave Policy (in lieu of Extended Administrative Leave).
6. Should an employee become ill and unable to work due to non-COVID-19 symptoms or for a condition that is not COVID-19, the employee can draw upon the employee's regular bank of sick leave. If an employee wants to take time off for personal reasons during this period of Extended Administrative Leave, the City's usual process for requesting and using vacation time applies. Should an employee need to care for a family member in circumstances not covered by the FFCRA Leave Policy, the employee can use accrued sick leave and, if the condition qualifies as a serious health condition and the employee is required to provide care, can request leave under the City's FMLA policy.
7. If an employee takes leave for a qualifying reason under the FFCRA Leave Policy, the employee will be returned to work. If the employee's job cannot be performed remotely and the employee is still advised not to report to their regularly scheduled workplace and the employee's job cannot be performed remotely, the employee will be placed on Extended COVID-19 Administrative Leave (subject to being called to report to work).

AMOUNT OF LEAVE

A total of seventy (70) hours of Extended COVID-19 Administrative Leave is provided to each full-time employee to supplement hours of work that are reduced due to COVID-19 issues and to minimize the need for employees to draw on their own accrued leave balances. Employees are not eligible to use this leave for any other reason. Employees are expected to account for this leave on their timecards for any hours they are unable to work or telework and which hours are not compensable under the FFCRA Policy. If a non-exempt employee exhausts the 70 hours of Extended COVID-19 Administrative Leave, then any remaining hours that a non-exempt

employee would otherwise be scheduled to work and is unable to do so due to the reduction in City operations due to COVID-19 will be paid at 2/3 of the employee's regular rate of pay, subject to a daily cap of \$200 and an overall cap of \$10,000. Employees could use any available leave balance for the remaining 1/3. Exempt employees will continue to be paid on a salaried basis where required to maintain exempt status.

RELATIONSHIP WITH LEAVE UNDER FFCRA

When an individual is eligible for leave under the FFCRA Leave Policy, leave will be provided pursuant to (and subject to any limitations) of the FFCRA Leave Policy (i.e., the hours limitation and pay caps).

DURATION

The use of time between March 19, 2020 to April 7, 2020 is governed by the original Limited Duration COVID-19 Administrative Leave Policy. The Extended Policy will apply from April 8, 2020, until the conclusion of the present Shelter in Placer Order on May 1, 2020.

LIMITATIONS

This policy authorizes Extended COVID-19 Administrative Leave for full-time City employees as a wage replacement for their full-time regularly scheduled work week hours.

Employees who have exhausted their applicable leave banks should consult with the Human Resources Manager to discuss their available options.

Extended COVID-19 Administrative Leave shall have no cash value. Extended COVID-19 Administrative Leave may not be donated or used for any other purpose and is only available for use during the time period specified above.



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: G.5
SUBJECT: Update on COVID-19 Response and Preparedness and Presentation from
Yolo County Health Officer

Recommendation for Action: Staff recommends that the City Council receive an update and discuss the current status of the COVID-19 pandemic and the community's actions to prepare and respond to issues resulting from the emergency.

As part of the update, Yolo County Health Officer, Dr. Ron Chapman will address the City Council and community on the current status of the pandemic and measures in place to mitigate the impacts of COVID-19.

A handwritten signature in black ink, appearing to read "Ken Hiatt", is written over the printed name.

Ken Hiatt
Interim City Manager

Attachments:

None



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: G.6
SUBJECT: Yolo COVID-19 Nonprofit Relief Initiative Support

Recommendation for Action: Staff recommends that the City Council receive an update on the Yolo COVID-19 Nonprofit Relief Initiative and take the following actions:

1. Adopt Resolution No. _____, authorizing the City Manager to enter into an agreement for local funding support to the Yolo COVID-19 Nonprofit Relief Initiative; and
2. Authorize an appropriation toward this effort of \$25,000; and
3. Appoint a Council Member to serve as the City Council liaison on the Leadership Advisory group for the Initiative.

Fiscal Impact:

Staff proposes to utilize \$25,000 of Measure F revenues currently allocated to economic development. The \$25,000 can be accommodated with the current Measure F budget appropriations and will not affect other projects or programs utilizing Measure F.

Additional contributions may be considered and approved by the City Council in the future as an additional match to private contributions and depending on overall Fund performance and its ability to facilitate impacts within the City. Staff and the City Council liaison will assess the effectiveness of the Fund and will reach out to the Council with any further financial considerations.

Background & Analysis

City Staff, in coordination with Yolo County (County) and Yolo Community Foundation (YCF) staff, have held discussions regarding the concept of a Yolo COVID-19 Nonprofit Relief Initiative to respond to the short- and long-term impacts of COVID-19. This Initiative includes a three-pronged approach the County and YCF are developing in coordination with the cities, which includes the following:

- Community engagement in a county-wide donor education campaign encouraging donations to local nonprofits;
- Technical assistance (applying for grants, managing cash flow, etc.) for local nonprofit organizations; and
- Development of a COVID-19 Relief Fund (Fund) to grant monies to local nonprofits needing assistance or to fill gaps in services, such as childcare for first responders/healthcare workers impacted by COVID-19.

On March 24, the Yolo County Board of Supervisors allocated \$250,000 toward this effort. Furthermore, City, County, and YCF staff have engaged in discussions with the Yocha Dehe Wintun Nation, Dignity Health, Kaiser Permanente, and Sutter Health regarding the development of a steering committee and advisory group to strategically identify gaps/needs and to direct funds, identify local partners that may be interested in joining this Countywide effort, and determine levels of participation for partners within the fund. On April 1, 2020, the Fund website was launched at the following location: <http://www.yolocf.org/covid-19/>.

Structure

It is expected that YCF will distribute donations collected through the Fund with the assistance of a steering committee that will include staff from each City in Yolo County. Representatives from each jurisdiction will ensure that needs in each locality are addressed adequately through this fund. In addition, 1-2 representatives from each City Council and the Board of Supervisors will serve as Leadership Advisors, ensuring that the Fund staff has a clear understanding of community needs, helping to identify gaps in service, communicating about Initiative resources to local nonprofits, and participating in the donor education campaign.

This relationship will be solidified through an agreement with YCF and each of the donor organizations, including any government agency partners. Furthermore, Yolo County Counsel, collaborating with City Attorneys, will ensure that all grant making efforts through the Fund follow laws regarding “gift of public funds” so that all grants go toward providing a public purpose. It is expected that this process shall also include auditing efforts to ensure fund accountability and weekly reporting out of Fund activities by County staff to the selected City representative. All of these activities shall be covered in an agreement with YCF and reviewed by the City Attorney before transfer of funds.

Community Needs

YCF has identified several community needs in the last week that have surfaced as potential areas of focus. These needs include the following:

- Healthcare
 - o Access to healthcare, support for providers, childcare
- Social Safety Net
 - o Basic necessities, shelter for those experiencing homelessness, mental health services, distance learning opportunities
- Ongoing viability of the nonprofit sector

It is expected that this list shall continue to grow as service gaps are identified and needs are assessed.

Outreach Efforts

In addition to building out community needs and identifying gaps, City participation is crucial during this time to ensure this Fund’s effort is spread throughout Yolo County to partner organizations and businesses. It is expected that each partner within the Fund will dedicate some effort toward spreading awareness of this Fund, and YCF has requested the assistance of local elected officials to help boost these outreach efforts. It is recommended that the City Council appoint one representative to serve in this capacity. The City Council representative will have no role in the funding decisions of YCF, but will serve in an important capacity to provide linkages of local needs to YCF.

Conclusion:

Staff recommends that the City Council receive an update on the Yolo COVID-19 Nonprofit Relief Initiative and take the following actions:

1. Adopt Resolution No. _____, authorizing the City Manager to enter into an agreement for local funding

- support to the Yolo COVID-19 Nonprofit Relief Initiative; and
2. Authorize an appropriation toward this effort of \$25,000; and
 3. Appoint a Council Member to serve as the City Council liaison on the Leadership Advisory group for the Initiative.



Ken Hiatt
Interim City Manager

Attachments:

1. Yolo COVID-19 Nonprofit Relief Initiative ATT1-Reso
2. 2020.04.09_Yolo COVID19 Nonprofit Relief Initiative Action Plan FINAL DRAFT

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND FOR CITY SUPPORT OF THE YOLO COVID-19 NONPROFIT RELIEF INITIATIVE

WHEREAS, on January 30, 2020, the World Health Organization Director-General declared the novel coronavirus (COVID-19) outbreak a public health emergency of international concern, followed by a federal public health emergency declaration on January 31, 2020. On February 26, 2020, Centers for Disease Control and Prevention (CDC) confirmed community transmission of COVID-19 in the Bay Area; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California due to the spread of COVID-19; and

WHEREAS, on March 18, 2020, this City Council proclaimed the existence of a local emergency due to the COVID-19; and

WHEREAS, on March 18, 2020, Yolo County Public Health Official issued a Shelter in Place Order that limits activity, travel and business functions to only the most essential needs; and

WHEREAS, the City desires to contribute to a centralized fund that is able to administer aid to those local COVID-19 direct support and local nonprofit organizations within Yolo County most impacted by COVID-19; and

WHEREAS, the Yolo COVID-19 Nonprofit Relief Initiative has been established as part of a three-pronged approach developed by Yolo County and the Yolo Community Foundation, which will also include efforts to enhance community engagement with a county-wide donor campaign, and provide technical assistance for local non-profit organizations.

NOW, THEREFORE BE IT RESOLVED, as follows:

Section 1. The City Council of the City of Woodland hereby approves an initial appropriation of \$25,000 from Community Enhancement Funds to contribute to the Yolo COVID-19 Nonprofit Relief Initiative.

Section 3. The City Manager is hereby authorized and directed to execute any agreement and do all other things deemed necessary or useful to implement this Resolution, in consultation with the City Attorney.

PASSED, APPROVED and ADOPTED by the City Council of the City of Woodland at a special meeting of the City Council held on the 14th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City of Woodland

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney

YOLO

COVID-19 NONPROFIT RELIEF INITIATIVE

ACTION PLAN



APRIL 2020



KEY DATES

APRIL – MAY 2020

GOVERNANCE

- ☐ April 9: Schedule regular Steering Committee and Leadership Advisors meetings
- ☐ April 9: Finalize governance structure
- ☐ April 14: Steering Committee meeting; approve governance structure & action plan
- ☐ April 16: Leadership Advisors meeting; select Chair/Vice-Chair for Volunteer Corps
- ☐ April 23: Steering Committee meeting
- ☐ May 7: Steering Committee meeting
- ☐ May 21: Steering Committee meeting

RELIEF FUND

- ☐ April 6: Internal staff team approval of action plan
- ☐ April 8-10: Develop draft grant criteria, application, and timeline
- ☐ April 9-10: Nonprofit interviews
- ☐ April 9: Develop list of nonprofits to interview and questions
- ☐ April 9: City managers/CAO approve action plan
- ☐ April 9: Steering Committee approval of grant criteria, application, and timeline
- ☐ April 10: Send action plan to Steering Committee and Leadership Advisors
- ☐ April 12-13: Develop web site content and other launch materials (see Media Strategy)
- ☐ April 13: Develop fundraising strategy
- ☐ April 16: Launch Relief Initiative
- ☐ April 16: Pre-launch call with Leadership Advisors to discuss launch assistance
- ☐ April 17: Review applications on a rolling basis
- ☐ April 30: Update web site with awarded grants; share on social media

DONOR EDUCATION

- ☐ April 6-9: Develop donor outreach media strategy (see Media Strategy)
- ☐ April 6-10: Continue to solicit survey responses
- ☐ April 16: Launch Relief Initiative, including donor education campaign

- ☐ April 12-17: Calls with service clubs to solicit help with outreach
- ☐ April 30: Update web site and utilize social media to share success stories

TECHNICAL ASSISTANCE

- ☐ April 6-15: Develop list of experts and schedule of workshops
- ☐ April 8: Technical Assistance Workgroup meeting
- ☐ April 9-10: Develop Facebook posts/other materials and advertise events
- ☐ April 13: Confirm first set of expert webinars & small workgroups
- ☐ April 14-15: Develop Facebook posts/other materials and advertise events
- ☐ April 17: Post webinar schedule on website
- ☐ April 18: Confirm second set of expert webinars & small workgroups
- ☐ April 22: Technical Assistance Workgroup meeting
- ☐ May 6: Technical Assistance Workgroup meeting
- ☐ May 20: Technical Assistance Workgroup meeting

MEDIA STRATEGY

- ☐ April 6-14: Develop hashtags and other branding
- ☐ April 6-7: Research other local COVID-19 relief funds
- ☐ April 7-9: Develop key messages re donor education/Relief Fund; team review
- ☐ April 9: Develop one-page overview of Relief Initiative for website/distribution
- ☐ April 9: Develop draft editorial calendar
- ☐ April 10: Update website
- ☐ April 10: Compile list of champions and spokespeople
- ☐ April 10: Reach out to media outlets
- ☐ April 13: Draft social media toolkit; team review (including Weiss Group)
- ☐ April 14: Finalize social media toolkit
- ☐ April 14: Distribute press release, contract reporters
- ☐ April 16: Conduct interview with Autumn Labbe-Renault (if invited)
- ☐ April 16: Virtual campaign launch
- ☐ April 20 - TBD: Public thanks yous for \$10,000+ donations, other success stories

RELIEF INITIATIVE OVERVIEW

The new Yolo COVID-19 Nonprofit Relief Initiative (“Relief Initiative”) supports the Yolo County community, which comprises the cities of Woodland, Davis, Winters, and West Sacramento, as well as small unincorporated communities and rural areas. The Yolo Community Foundation (“Foundation”) and its partners propose a three-part Relief Initiative that includes:

1. A community-wide donor education campaign to encourage donors to contribute directly to nonprofits;
2. A relief fund to provide grants to nonprofits; and
3. Technical assistance to help nonprofits through the crisis.

The Relief Initiative complements existing state and federal relief efforts and fills in gaps as needed to help nonprofits maintain or expand important programs during the unprecedented circumstances caused by COVID-19. It also will help innovate and improve delivery of services in the new socially distant environment resulting from necessary shelter-in-place orders. This action plan provides an overview of the Relief Initiative and outlines the specific work needed to implement the program.

SECTION 1: GOVERNANCE

The Yolo Community Foundation will staff the Relief Initiative with assistance from Consero Solutions, a local public policy consulting firm, including executive and administrative support. The Foundation also will coordinate with three separate groups to implement the Relief Initiative: 1) Steering Committee; 2) Leadership Advisors; and 3) Volunteer Corps.

Steering Committee

The Steering Committee will advise Foundation staff, review grant applications, and make policy decisions necessary to accomplish the Relief Initiative’s objectives. The following eight Steering Committee members will be invited to join:

- City of Woodland City Manager or their designee
- City of West Sacramento City Manager or their designee
- City of Davis City Manager or their designee
- City of Winters City Manager or their designee
- Yolo County Administrator or their designee
- A staff representative from the Yocha Dehe Wintun Nation
- A member of the Yolo Community Foundation Board of Directors

The Steering Committee will have twice monthly, regularly scheduled Zoom conference calls, but has the discretion to meet more frequently as needed to review letters of inquiry and grant applications (see Section 3: Relief Fund).

Leadership Advisors

The Leadership Advisors are composed of elected officials currently serving in office, as well as key stakeholders whose expertise is critical to the Relief Initiative's success. The Leadership Advisors will guide the Relief Initiative's efforts, provide information to the community about the assistance provided by the Relief Initiative, and help solicit donations as necessary.

The following members will be invited to serve as Leadership Advisors:

- 1-2 members of the Davis City Council
- 1-2 members of the West Sacramento City Council
- 1-2 members of the Woodland City Council
- 1-2 members of the Winters City Council
- 1-2 members of the Yolo County Board of Supervisors
- A representative of Kaiser Permanente
- A representative from Sutter Health
- A representative from Dignity Health
- A representative from the Yocha Dehe Wintun Nation Tribal Council
- A representative from UC Davis

The Leadership Advisors will meet as needed to guide Relief Initiative implementation. Their work will focus on:

- Solicitation of feedback from local nonprofits, community leaders, and fellow City Council or Board of Supervisors members on the needs COVID-19 is creating in their communities, and share those findings with Foundation staff
- Outreach to local nonprofits to ensure awareness of the Yolo COVID-19 Nonprofit Relief Fund grant opportunities
- Outreach to local nonprofits regarding participation in the Yolo COVID-19 technical assistance program
- Participation in the communitywide education campaign to direct donations to nonprofits in need.

Volunteer Corps

The Volunteer Corps includes former elected officials and community leaders who volunteer to help secure large donations for the Relief Initiative and provide assistance as needed. The Leadership Advisors will select a chair and co-chair to guide the Volunteer Corps efforts. The Foundation will staff the Corps' work.

SECTION 2: DONOR EDUCATION

The Foundation will launch a community-wide campaign to educate Yolo County residents about the need for direct funding to local nonprofits that provide essential services for vulnerable populations and create the social fabric that inspires community interaction and innovation.

Giving direct, unrestricted donations to these organizations is the fastest, most efficient way to provide Yolo County nonprofits with desperately needed funding. The community-wide donor education campaign will help nonprofits secure critical funding, support the development of strong relationships between donors and the organizations that need their support, and ultimately strengthen the entire nonprofit sector in the region. The Foundation will undertake the following strategy to initiate and sustain this campaign:

Collect Nonprofit Stories. The Foundation has already released a survey to the approximately 100 active nonprofits in Yolo County to solicit a short synopsis (maximum of 3-5 sentences) describing their approach to addressing specific community needs created by the COVID-19 crisis. To date, 28 nonprofits have responded. The Foundation will use this information for the public education and media campaign.

Create a Web Page with Stories. The Foundation has already posted the first 25 nonprofit stories received on the Foundation's website, but will work to improve the page with additional details, graphics, quotes, and other information that will engage website visitors and help them more completely understand the magnitude of COVID-19's impact on local nonprofits, the extent of their efforts to help the community during the crisis, and their innovative efforts to adapt how they fulfill their mission while the community shelters in place.

Develop Success Measures. The Foundation will identify success measures to help educate the public about the success of campaign. This may include increases in donations to nonprofits in the second fiscal quarter of 2020 (April-June) relative to 2019.

Develop Media Campaign. The Foundation will launch a continuous public education campaign, complete with branding and key messages, to encourage community members to give directly to nonprofits and to celebrate successes. Section 5: Media Strategy describes the nuts and bolts of the community-wide donor education campaign, which will involve extensive use of social media and earned media.

Partner with Local Services Clubs/Community Organizations. The Foundation will work in partnership with local service clubs and other community organizations to spread the word about the need to help nonprofits.

SECTION 3: RELIEF FUND

The Foundation has launched a disaster relief fund to award grants directly to nonprofits located in Yolo County or providing services to Yolo County residents. Yolo County seeded the Relief Fund with \$250,000. The Foundation is now soliciting contributions from other major donors. While the community-wide donor education campaign will focus on ensuring individual donors give directly to nonprofits, the Foundation also will focus on securing large donations from entities that may not have the time or expertise to make individual grants to a large number of

nonprofits. This strategy is intended to grow the total amount of funding that nonprofits receive during the crisis and build trust between the Foundation and the Yolo nonprofit network.

Grants are expected to range between \$5,000 to \$30,000 and will be reviewed on an ongoing basis. 501(c)3 nonprofit organizations are eligible to apply for additional funds as needs arise. The Steering Committee will review grant applications and make a recommendation to the Foundation's Board of Directors. The Foundation will award funds as quickly as possible, with the goal of making a decision within 2-4 weeks of receipt of an application. Nonprofits may submit grant applications at any time while funds are available.

Nonprofit Outreach

The Foundation will work with the Weiss Group to develop a list of key nonprofits with whom to speak about the Relief Fund. The list will include nonprofits that work in different geographic areas of the County, are of various sizes, have volunteer and/or paid staff, and are located in rural and urban areas. The Foundation will conduct a series of phone interviews to build awareness about the effort, identify community needs that will inform the grant criteria, and secure additional information to inform the donor education campaign. The interviews will solicit strategic feedback on the Relief Fund's structure and answer questions regarding implementation. In addition, the Foundation will educate nonprofit staff about the Foundation's efforts to inspire donors to give directly to nonprofits with a modest fundraising campaign focused on generating large donations to hopefully increase the total amount available for nonprofit assistance. The Foundation and the Weiss Group will develop a list of questions to guide each of the interviews.

Fundraising

The Foundation will work with the Weiss Group to develop a fundraising strategy based on large donor contributions. The Foundation will base the strategy on the principle that Relief Fund fundraising efforts should not compete with the Foundation's communitywide campaign to direct donors directly to nonprofits and instead should focus on increasing the total amount available to nonprofits. The Foundation will develop a list of large donors and meet with donors one-on-one (via Zoom) to better understand their interests.

Eligibility

Eligible nonprofits may apply for more than one grant during the calendar year because this fund is intended to be responsive to the ongoing needs of the community.

- Grants are open to 501(c)3 nonprofits serving Yolo County residents in good standing with the IRS. If the program is part of a larger effort that extends beyond the County, grantee must demonstrate that all funds from this grant are spent for the benefit of Yolo County residents.
- Businesses and individuals are not eligible at this time, however grants to nonprofits that provide direct financial assistance to individuals or businesses can be awarded.

- Nonprofits must have the following fiscal controls in place to be eligible to apply for a grant: 1) budget adopted by their Board of Directors; 2) Board-approved fiscal policies, including internal controls; and 3) regular financial reports to the Board of Directors. Nonprofits also may apply for funds to develop these controls as part of their proposal.

Exclusions

The following activities are not eligible for grants:

- Activities that are non-secular or promote a religious doctrine
- Academic or medical research
- Funding to schools and public agencies that would supplant tax-supported, mandated services
- Annual fundraising campaigns or events
- Creation of, or addition to, endowment funds
- Payment of debt or legal settlements
- Political or partisan purposes
- Sponsorships

Grant Criteria

The Foundation will consider grants to nonprofits with demonstrable hardship and financial need related to COVID-19. Foundation staff will propose simple grant criteria, subject to Steering Committee approval. To

Application Process

The Foundation will propose grant criteria and an application process based on the following guidance, subject to Steering Committee approval:

Speed. The Relief Fund should deliver resources to nonprofits as quickly as possible.

Transparency. As the Foundation is stewarding resources contributed by governments and the general public, it is important to develop a transparent process.

Accessibility. The process should ensure that any nonprofit that meets minimum qualifications is eligible to apply for funding; this may be particularly important as we seek to ensure vulnerable communities throughout Yolo County are supported by the Relief Fund.

Time Commitment. Nonprofits struggling to deliver services and make tough decisions do not have significant time to devote to lengthy grant applications. The Foundation should ensure it minimizes the burden on nonprofits to apply.

SECTION 4: TECHNICAL ASSISTANCE

The Relief Initiative will provide technical assistance to any Yolo County nonprofit interested in participating. Technical assistance will cover critical topics like cash flow management; understanding COVID-19 relief funding from the state and federal government; personnel issues, including layoffs and furloughs; disaster-related fundraising; crisis communications; and alternative service delivery models. Nonprofits are inundated with information and they need expert support to navigate issues and opportunities specific to their organizations. The Foundation will provide the following types of technical assistance:

Expert Webinars. The Foundation is compiling a list of experts who assist nonprofits and will organize interactive webinars with these experts with provide information on critical optics.

Facilitated, Interactive Training. The Foundation will facilitate small working groups of Executive Directors or other key personnel to exchange information on particular topics, as well as follow up on questions posed during the working groups to help solve issues.

One-on-One Support Opportunities. The Foundation will identify experts who can provide one-on-one assistance to nonprofits.

SECTION 5: MEDIA STRATEGY

The Foundation will work with Spiegel Communications to employ a four-phase media strategy to introduce the Relief Initiative to the public, launch the community-wide donor education campaign, promote and inspire giving, and celebrate community generosity and successes. The media strategy will inform donors about programs nonprofits are providing to benefit vulnerable populations, innovative strategies they are employing to adjust to the virtual world resulting from shelter-in-place orders, and the critical need for funding to sustain services and programs through the crisis.

The media strategy will rely on conventional media, local blogs and social media. The Foundation will develop uniform messages and tailor the messages for each type of media outreach and the unique voices helping promote the effort. The strategy will leverage the collective power of Yolo County's deep roots, strong ties, and dynamic leadership as well as the connections residents have to their community. The Foundation will saturate all of Yolo County with information about the Covid-19 Relief Initiative, including its focus, the importance of the effort, and the logistics of giving to the Relief Fund. Champions on the Leadership Advisors, the Volunteer Corps, and in the community will help the Foundation amplify key messages, such as "GiveYolo" or "We're All Yolo." The messages will focus on motivating community members to help one another so the community comes out of this crisis stronger and more united than before, as well as celebrating successes.

Phase One (Week of April 6-10): Message Development

Phase One will be the labor-intensive, behind-the-scenes part of the effort. Spiegel Communications will develop materials in consultation with the Weiss Group, a firm with extensive nonprofit experience, and will review materials with a subcommittee of the Yolo Community Foundation Board of Directors, including Vanessa Errecarte, a marketing consultant.

During this period, we will:

- Develop key messages
- Identify and survey other community-based COVID-19 funds throughout California
- Draft editorial calendar for phases two through four
- Create branding such as a logo, hashtags, design criteria for public facing documentation and social media
- Develop a social media toolkit
- Identify community members/leaders to serve as spokespeople
- Compile a thorough list of champions, supporters and those who can help amplify the key messages to gain more traction
- Train spokespeople on how to deliver the message and promote the campaign
- Create complete media contact lists for Yolo County and the Sacramento media market;
- Prepare press releases, op-eds, sample letters to the editor, social media posts, talking points, videos, website content and media kit for partners
- Reach out to media outlets prior to the public launch

The team will ensure messages reflect the Relief Initiative is not competing with other nonprofits, rather it will increase the amount of giving and help them survive in this uncertain time.

Phase Two (Week of April 13-17): Public Campaign Launch

The campaign will officially launch on April 16, and the focus will be on education of potential donors, strategic partners and the public about the new Relief Initiative. This phase will expand into Phase Three and Four because while we are celebrating contributions and successes, we will continue to educate the public and inspire giving.

During this period, the Foundation will:

- Distribute a press release to local press and bloggers
- Contact reporters/story pitch/set up interviews
- Run an op-ed from Ms. Hubbard in the Davis Enterprise, the Daily Democrat and the Winters Express
- Conduct an interview with Autumn Labbe-Renault for the Davis Media Access' Life in the Time of COVID-19: Yolo County Community Diary
- Run videos on Davis Media Access, if possible
- Use social media to spread the word by posting all earned media on the Yolo Community Foundation's social media channels as well as by enlisting eligible nonprofits, community members and leaders to share on their pages/channels
- Deliver regular social media posts to continue to educate the public about the need to give money directly to nonprofits

- Thank major donors to the Relief Fund, including the cities and the County

Phase Three (April 20–TBD): Inspiring Giving, Celebrating Contributions and Impact

During Phase Three, the focus will be on continued community education about the Relief Fund to inspire sustained giving directly to nonprofits and to celebrate grants made by the Fund to nonprofits. If there are additional major donations, this phase will also include recognizing these contributions. This phase also will be heavily focused on celebrating successes.

During this phase, the Foundation will:

- Publicly thank and acknowledge all large donations of \$10,000 or more
 - Each large donor will be featured in a press release and/or social media post
- Celebrate key milestones in fundraising such as a total dollar amount raised, a specific number of donors who contributed, etc.
 - We will use graphics and charts to show progress and use them repeatedly on social media as we reach new milestones. Major achievements will be shared with the press directly with a press release.
- Share success stories of how grants from the fund are sustaining Yolo County nonprofits, the innovative approaches they are employing the crisis, the real difference they are making in the lives of our Yolo County residents
 - This will be done with creative social media posts as well as targeted story pitching to local media (particularly television) to get greater attention
- Continue to run social media posts reminding the community about the fund, the nonprofits they are supporting, how to give directly to nonprofits, and why it is important. Showcase large donations to the fund and small contributions to nonprofits. Boost posts when necessary to increase audience size
- Place letters to the editor about the fund and why it is important from key community leaders

Phase Four (TBD): Wind Down

It is unpredictable how and when the community will begin to see an easing of shelter-in-place and a return to a more typical pace of life. Shelter-in-place orders may be in effect through late summer to truly flatten the curve. If and when the next crisis happens, the Foundation will have a framework that can be quickly deployed again. As directives change from local and state agencies, people will begin to return to their lives and routine. But it will take time for nonprofits to rebuild and rebound from the devastating losses caused by the economic impact of COVID-19.

During Phase Four, the Foundation will:

- Continue to reinforce messaging;
- Run social media posts thanking large donors;
- Distribute press releases and social media celebrating the fund's impact; and
- Remind the public that Yolo County's nonprofit community has been here to serve them during this crisis, and they will continue to do so.

Media Targets

Key Earned Media Targets

- Davis Enterprise
- Daily Democrat
- Winters Express
- West Sacramento News-Ledger
- Davis Vanguard
- Davisite
- Davis Dirt
- Davis Media Access
- Capital Public Radio
- KFBK-AM
- Bryte and Broderick Community Action Network (BBCAN – radio station)
- Local radio stations
- Local commercial TV channels

Key Social Media Channels

- Facebook
- Instagram
- NextDoor
- Twitter
- YouTube



TO: THE HONORABLE MAYOR AND CITY COUNCIL
AGENDA: Special City Council Meeting
DATE: April 14, 2020
ITEM #: G.7
SUBJECT: Amended and Restated Urgency Ordinance regarding Temporary Moratorium on Evictions

Recommendation for Action: Staff recommends that the City Council adopt an Amended and Restated Urgency Ordinance No. _____, an Urgency Ordinance of the City Council of the City of Woodland Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent for Commercial Tenants Where the Failure to Pay Rent Results from Business Income Loss Resulting From the Novel Coronavirus (COVID-19) and Setting Forth the Facts Constituting Such Urgency.

Staff Contact:

Ken Hiatt, Interim City Manager (530) 661-5802, ken.hiatt@cityofwoodland.org

Fiscal Impact:

There is no fiscal impact to the general fund.

Background:

On March 10, 2020, the Yolo County Board of Supervisors ratified a local and public health emergency in response to the increased spread of COVID-19, the disease caused by the novel coronavirus. On March 17, 2020, the City Council also proclaimed the existence of a local emergency. As of April 9, 2020, there are 71 confirmed cases and three deaths resulting from COVID-19 in Yolo County, and this number is expected to continue to grow as the virus spreads throughout the community.

In response to the global pandemic, experts are urging all individuals – even those who are not displaying symptoms – to practice social distancing, which refers to avoiding close contact with other individuals in order to avoid catching the virus and to avoid passing it on to others. In order to ensure compliance with these recommendations and in an effort to limit the spread of COVID-19 in Yolo County, on March 18, 2020, the Yolo County Department of Public Health issued an order directing individuals in Yolo County to shelter in their place of residence, and ordering all businesses, with the exception of certain “Essential Businesses” as described in the order, to close, except as needed to maintain minimum business operations. On March 19, 2020, the Governor of California issued a similar Executive Order which ordered all individuals living in the State to stay home except as needed to maintain continuity of operations for critical infrastructure sectors as defined by the Federal government.

While these measures are necessary to fight the global pandemic, they can have extreme economic impacts. As businesses are forced to close and individuals are remaining in their homes to prevent the spread of COVID-19, many businesses have little or no revenue to cover their overhead, including rent. This is especially challenging for small businesses, many of which do not have significant reserves built up to sustain themselves during an extended period when they are receiving little or revenue. If businesses are evicted due to failure to pay rent during this period, there could be significant commercial vacancies in the City, and many of the evicted businesses will not be able to recover when this crisis ends. The potential for commercial vacancies would not only have an immediate economic impact from the closure of business and loss of associated jobs, but will also extend the economic recovery from the COVID-19 pandemic. It would take considerable time to fill

commercial vacancies resulting from evictions after the pandemic, during which time the community will not have the benefit of goods and services from the closed businesses, and the City will lose tax revenue for necessary public services. A moratorium on commercial evictions would temporarily relieve local businesses from economic pressure of making timely rent payments, and make it more likely that they can survive the pandemic. There are also potential public health benefits from this measure, in that relieving commercial tenants from the threat of eviction will encourage compliance with the shelter in place orders. While compliance with the orders in the City has been good to date, as economic pressures mount for local businesses, they may feel pressure to open in violation of the orders, which could increase the risk of spread of COVID-19. This moratorium can temporarily reduce those pressures, and the incentive to violate the orders.

At its March 31, 2020 Special Meeting, the City Council adopted an urgency ordinance imposing a moratorium on evictions of commercial tenants in the City for failure to pay rent during the current state of emergency caused by the COVID-19 pandemic. This ordinance was similar to the urgency ordinance adopted by the City Council on March 17, imposing a moratorium on eviction of residential tenants, but focuses on protecting commercial tenants whose businesses are in jeopardy as a result of the pandemic.

The City Council directed staff to return with amendment(s) to the urgency ordinance to incorporate provisions obligating tenants, in addition to demonstrating inability to pay rent, to take steps to mitigate financial impacts from the COVID-19 pandemic.

Discussion:

The City's urgency ordinance established a moratorium on evictions of commercial tenants for failure to pay rent during this emergency period, if the tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19. Under the proposed ordinance, a landlord knows of a tenant's inability to pay rent for the covered reasons if the tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. Notification "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

For purposes of this ordinance "financial impacts related to COVID-19" include, but are not limited to, tenant lost business income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) compliance with recommendations from a government health authority to cease or reduce tenant's business activities, including but not limited to the County and State Shelter In Place Orders; (3) extraordinary out-of-pocket medical expenses; or (4) reducing business activities due to child care needs arising from school closures related to COVID-19.

The ordinance does not relieve the commercial tenant from eventually paying the rent within six months after the expiration of the local emergency. The landlord may not charge a late fee on the rent. The ordinance is intended to be narrow, and no other legal remedies available to the landlord are affected by this ordinance.

The ordinance went into effect immediately and will remain in effect for sixty days, and authorizes the City Manager (Director of Emergency Services) to further extend the ordinance during the period of local emergency. This urgency ordinance will supersede the prior ordinance and would be in effect for sixty days from adoption. In order to prevent inconsistencies in the law, the City Manager may also suspend the local ordinance if a similar federal or state law is adopted.

This urgency measure provides protections to businesses that have had unforeseen financial impacts due to COVID-19 and the directives for residents to shelter in place. Displacement of commercial tenants through eviction will create a loss of economic opportunity for small business owners and jobs for City residents. It will extend the recovery from the COVID-19 pandemic, as it will take considerable time for new businesses to fill vacancies that could be created during this period. Further, City residents will lose the benefit of the goods and services provided by these business during the closure, and the City will lose the tax revenues these businesses generate, which are used to provide essential City services.

Proposed amendments

In response to the Council's request to require businesses seeking relief under the ordinance to demonstrate other efforts to mitigate impacts to their business, staff proposes the following amendments be incorporated into the urgency ordinance.

Section 2.

D. In addition to demonstrating an inability to pay rent, the tenant must demonstrate that it has taken steps to mitigate the financial impacts of COVID-19 by applying for loan or grant funds through one or more programs established to provide relief to businesses that are impacted by COVID-19, including but not limited to:

1. The Paycheck Protection Program, established by the Federal Coronavirus Aid, Relief and Economic Security Act (the "CARES Act");
2. Loans or Emergency Grants through the Economic Injury Disaster Loan Program, as provided for in the CARES Act;
3. Express Bridge Loans provided through the Federal Small Business Administration;
4. Private Loans with Loan Guarantees provided pursuant to the Disaster Relief Loan Guarantee Program provided through the California Small Business Finance Center; or
5. Other public or private sources that provide funding for businesses that are impacted by COVID-19 as have been or may be established in the future.

This situation is unprecedented, and circumstances are changing daily as infections continue to rise in the United States. At this point, the length of time that the shelter in place orders will remain in place is unknown, but until they are lifted many businesses in the City will not be able to generate sufficient revenue to pay their rent. While we cannot predict the measures that will be needed to guide our local economy to recovery after the pandemic, this temporary measure can help to protect against businesses being forced to close before they have the opportunity to recover.

Conclusion:

Staff recommends that the City Council adopt an Amended and Restated Urgency Ordinance No. _____, an Urgency Ordinance of the City Council of the City of Woodland Enacting a Temporary Moratorium on Evictions Due to Non-Payment of Rent for Commercial Tenants Where the Failure to Pay Rent Results from Business Income Loss Resulting From the Novel Coronavirus (COVID-19) and Setting Forth the Facts Constituting Such Urgency.

Prepared by: Kara Ueda, City Attorney



Ken Hiatt
Interim City Manager

Attachments:

1. AR Urgency Ordinance COVID-19 Eviction Moratorium (Commercial)-c1

ORDINANCE NO. ____

**AN AMENDED AND RESTATED URGENCY ORDINANCE
OF THE CITY COUNCIL OF THE CITY OF WOODLAND
ENACTING A TEMPORARY MORATORIUM ON
EVICTIONS DUE TO NON-PAYMENT OF RENT FOR
COMMERCIAL TENANTS WHERE THE FAILURE TO
PAY RENT RESULTS FROM BUSINESS INCOME LOSS
RESULTING FROM THE NOVEL CORONAVIRUS
(COVID-19) AND SETTING FORTH THE FACTS
CONSTITUTING SUCH URGENCY**

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19, and on March 10, 2020, the Yolo County Board of Supervisors ratified a local and public health emergency, and on March 13, 2020, the President of the United States declared a state of national emergency; and

WHEREAS, on March 17, 2020, the City Council proclaimed the existence of a local emergency; and

WHEREAS, on March 18, 2020, pursuant to the authority granted under Health and Safety Code sections 101040, 101085 and 120175, the Health Officer of Yolo County issued an order directing individuals to shelter in place of residence and restricting non-essential activities in response to the COVID-19 pandemic, which ordered all individuals living in Yolo County to shelter in their place of residence, and ordered all businesses, with the exception of “Essential Businesses,” as defined in the order, to cease all activities except for minimum basic operations (the “County Shelter In Place Order”); and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20, which ordered all individuals living in the State of California to stay home except as needed to maintain continuity of operations of federal critical infrastructure sectors (the “State Shelter In Place Order” and, together with the County Shelter In Place Order, the “Shelter In Place Orders”); and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, which suspended any provision of state law that would preempt or otherwise restrict a local government’s exercise of its police power to impose substantive limitations on residential or commercial evictions on the basis of nonpayment of rent arising out of a substantial decrease in household or business income or substantial out-of-pocket medical expenses caused

by the COVID-19 pandemic or by governmental response to COVID-19; and

WHEREAS, as a result of the Shelter In Place Orders, many businesses in the City have been forced to close entirely, and as a result are generating little or no revenue to pay ongoing expenses, and even many of those businesses deemed “Essential Businesses” are experiencing severe decreases in revenue as a result of the Shelter In Place Orders, as residents are only patronizing businesses for essential needs, and restaurants are limited to providing take-out and delivery orders; and

WHEREAS, the decreases in business income that result from the Shelter In Place Orders are especially challenging for small businesses, which are the predominant businesses in the City of Woodland, as they frequently do not have sufficient reserves built up to cover overhead for a significant period of time with little or no incoming revenue; and

WHEREAS, business closures resulting from evictions of commercial tenants during the current emergency would worsen the current economic crisis by creating financial instability for business owners and employees, reducing the available jobs for City residents once the Shelter In Place Orders are lifted, and creating a reduction in local revenue and services as new businesses are sought to fill the commercial vacancies; and

WHEREAS, such impacts would have a significant negative effect on public health, safety and welfare, as business closures would reduce the availability of local goods and services, would reduce jobs and economic opportunities for local residents, and would reduce local tax revenues used to provide essential services to the community; and

WHEREAS, providing a temporary moratorium on evictions for commercial tenants is additionally of benefit to the public health in that it will reduce one source of economic pressure, and businesses will be less likely to provide services in violation of the Shelter In Place Orders; and

WHEREAS, this Ordinance is temporary in nature and only intended to promote stability and fairness within the commercial rental market in the City during the COVID-19 pandemic outbreak, and to prevent avoidable business closures that could occur due to COVID-19 and the Shelter In Place Orders, thereby serving the public peace, health, safety, and public welfare; and

WHEREAS, the City Council desires to temporarily prohibit evictions due to non-payment of rent for commercial tenants where the failure to pay rent results from business income loss resulting from COVID-19 or the governmental response to COVID-19; and

WHEREAS, on March 31, 2020, the City Council adopted Ordinance No. _____, an urgency ordinance enacting a temporary moratorium on eviction due to non-payment of rent for commercial tenants where the failure to pay rent results from business income loss resulting from the Novel Coronavirus and setting forth the facts constituting such urgency; and

WHEREAS, the City Council desires to amend and restate Ordinance No. _____ as set forth herein to require that commercial tenants that will be protected from eviction will first

demonstrate that they have taken steps to mitigate the financial effects of COVID-19 if they are unable to pay rent; and

WHEREAS, this Ordinance is adopted pursuant to the City's police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law and Chapter 13.52 of the Woodland Municipal Code to protect the peace, health, and safety of the public; and

WHEREAS, the City Council of the City of Woodland finds that this Ordinance is necessary for the preservation of the public peace, health, and safety of residents living within the City and finds such urgency to approve this ordinance immediately based on the facts described herein, and detailed in the staff report. Under Government Code Section 8634, this ordinance is necessary to provide for the protection of life and property.

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

Section 1. Amendment of Ordinance No. _____

This Ordinance shall amend, restate and supersede Ordinance No. ____ in its entirety. Upon adoption of this Ordinance, Ordinance No _____ shall have no further force or effect.

Section 2. Temporary Moratorium on Evictions for Non-Payment of Rent by Commercial Tenants Impacted by the COVID-19 Crisis.

A. Notwithstanding anything to the contrary in the City of Woodland's Municipal Code, during the period of local emergency declared in response to COVID-19, no landlord shall endeavor to evict a commercial tenant for nonpayment of rent if the commercial tenant demonstrates that the tenant is unable to pay rent due to financial impacts related to COVID-19 and has taken steps to mitigate the financial impacts in the manner set forth in Subsection D below.

B. A landlord who knows that a commercial tenant cannot pay some or all of the rent temporarily for the reasons set forth above and has taken steps to mitigate financial impacts in accordance with this ordinance shall not serve a notice pursuant to Code of Civil Procedure section 1161(2), file or prosecute an unlawful detainer action based on a 3-day pay or quit notice, or otherwise seek to evict for nonpayment of rent. A landlord knows of a commercial tenant's inability to pay rent within the meaning of this Ordinance if the commercial tenant, within 30 days after the date that rent is due, notifies the landlord in writing of lost business income and inability to pay full rent due to financial impacts related to COVID-19, and provides documentation to support the claim. For purposes of this ordinance, "in writing" includes email or text communications to a landlord or the landlord's representative with whom the tenant has previously corresponded by email or text. Any medical or financial information provided to the landlord shall be held in confidence, and only used for evaluating the tenant's claim.

C. For purposes of this Ordinance “financial impacts related to COVID-19” include, but are not limited to, tenant lost business income as a result of any of the following: (1) being sick with COVID-19, or caring for a household or family member who is sick with COVID-19; (2) compliance with recommendations from a government health authority to cease or reduce tenant’s business activities, including but not limited to the County and State Shelter In Place Orders; (3) extraordinary out-of-pocket medical expenses; or (4) reducing business activities due to child care needs arising from school closures related to COVID-19.

D. In addition to demonstrating an inability to pay rent, the tenant must demonstrate that it has taken steps to mitigate the financial impacts of COVID-19 by applying for loan or grant funds through one or more programs established to provide relief to businesses that are impacted by COVID-19, including but not limited to:

1. The Paycheck Protection Program, established by the Federal Coronavirus Aid, Relief and Economic Security Act (the “CARES Act”);

2. Loans or Emergency Grants through the Economic Injury Disaster Loan Program, as provided for in the CARES Act;

3. Express Bridge Loans provided through the Federal Small Business Administration;

4. Private Loans with Loan Guarantees provided pursuant to the Disaster Relief Loan Guarantee Program provided through the California Small Business Finance Center; or

5. Other public or private sources that provide funding for businesses that are impacted by COVID-19 as have been or may be established in the future.

E. This Ordinance applies to non-payment eviction notices and unlawful detainer actions based on such notices, served or filed on or after the date on which a local emergency was proclaimed.

F. Violation of this Ordinance shall be punishable as set forth in Section 1.08.070 of the Woodland Municipal Code. In addition, this Ordinance grants a defense in the event that an unlawful detainer action is commenced in violation of this Ordinance.

G. Nothing in this Ordinance shall relieve the commercial tenant of liability for the unpaid rent, which the landlord may seek after expiration of the local emergency, and the commercial tenant must pay within six months of the expiration of the local emergency. A landlord may not charge or collect a late fee for rent that is delayed for the reasons stated in this Ordinance; nor may a landlord seek rent that is delayed for the reasons stated in this Ordinance through the eviction process.

H. No other legal remedies available to landlord are affected by this Ordinance.

I. This Ordinance shall remain in effect for sixty days, unless extended, and the Director of Emergency Services may extend the Ordinance during the term of the local emergency. Notwithstanding and in order to prevent inconsistencies, the Director of Emergency Services may suspend the effectiveness of this Ordinance in the event that the President of the United States, Congress, Governor of the State of California or California State Legislature adopts an order or legislation that similarly prohibits evictions for failure to pay rent by individuals impacted by the COVID-19 crisis.

Section 2. Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this Ordinance.

Section 3. Environmental Review.

The City Council finds that adoption and implementation of this Ordinance is not a “project” for purposes of the California Environmental Quality Act (CEQA), as that term is defined by CEQA Guidelines (Guidelines) sections 15061(b)(3), and 15378(b)(5). The effect of the Ordinance will be to maintain the status quo. No new development will result from the proposed action. No impact to the physical environment will result. The City Council also alternatively finds that the adoption and implementation of this Ordinance is exempt from the provisions of CEQA as an administrative activity by the City of Woodland, in furtherance of its police power, that will not result in any direct or indirect physical change in the environment, per sections 15061(b)(3), and 15378(b)(5) of the CEQA Guidelines, as well as CEQA Guidelines section 15064(e) (economic regulations).

Section 4. Urgency Declaration; Effective Date

The City Council finds and declares that the adoption and implementation of this Ordinance is necessary for the immediate preservation and protection of the public peace, health and safety as detailed above as the City and public would suffer potentially irreversible displacement of commercial tenants resulting from evictions for failure to pay rent during the COVID-19 crisis. During this local emergency, and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary business displacement, to protect against unnecessary loss of jobs, economic opportunities, local goods and services and local revenues following the lifting of the Shelter In Place Orders, and to encourage compliance with State and local social distancing directives. Under Government Code Section 8634 and Woodland Chapter 13.52, this Ordinance is necessary to provide for the protection of life and property for the reasons set out herein. The Council therefore finds and determines that the immediate preservation of the public peace, health and safety, and protection of life and property, require that this Ordinance be enacted as an urgency ordinance pursuant to Government Code section 36937 and take effect immediately upon adoption by four-fifths of the City Council.

Section 5. Certification

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published or posted in the manner required by law.

PASSED, APPROVED and ADOPTED by the City Council of the City of Woodland at a special meeting of the City Council held on the 14th day of April, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

City of Woodland

Rich Lansburgh, Mayor

ATTEST:

APPROVED AS TO FORM:

Ana B. Gonzalez, City Clerk

Kara K. Ueda, City Attorney