



**CITY COUNCIL
SPECIAL MEETING
(Teleconferenced)**

Thursday, May 21, 2020 / 4:00 PM / City Hall / 405 East El Monte Way, Dinuba

District 1	District 2	District 3	District 4	District 5
Emilio Morales Council Member	Maribel Reynosa Council Member	Armando Longoria Vice Mayor	Kuldip Thusu Mayor	Linda Launer Council Member

All attendees are advised that electronic devices should be placed on silent upon entering the Council Chambers.

1. OPENING CEREMONIES

- 1.1. Welcome and Call to Order
- 1.2. Invocation
- 1.3. Pledge of Allegiance

2. AGENDA CHANGES OR DELETIONS

To better accommodate members of the public or convenience in the order of presentation, items on the agenda may not be presented or acted upon in the order listed. Additions to Agenda may be added only pursuant to California Government Code section 54956.8.

- 3. REQUEST TO ADDRESS COUNCIL - Pursuant to Governor Newsom's Executive Order N-29-20, the meeting will be held via teleconference. Those wishing to correspond with the City Council, may do so at info@dinuba.ca.gov by 3:00 pm the day of the meeting. Please submit comments concerning public hearing items via the same email address.**

This portion of the meeting is reserved for any person who would like to address the Council on any item that is not on the agenda. Please be advised that State law does not allow the City Council to discuss or take any action on any issue not on the agenda. The City Council may direct staff to follow up on such item(s). Speakers are limited to three (3) minutes. If there is any person wishing to address the City Council at this time please approach the podium and state your name and nature of the request.

4. DEPARTMENT REPORTS

- 4.1. SUBJECT**
Covid-19 Update

RECOMMENDATION

Council to receive update on recent developments regarding Covid-19 pandemic.

This an informational item only.

5. MAYOR/COUNCIL REPORTS

6. CITY MANAGER COMMUNICATIONS

7. CITY STAFF COMMUNICATIONS

8. ADJOURNMENT

This agenda was posted at least 72 hours prior to the regular meeting per GC Section 54954.2(a). A Citizens' Packet regarding this meeting is available at the City Clerk's Office located at City Hall, 405 East El Monte Way, Dinuba CA 93618.

In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the meeting, please contact the City Clerk's Office at 559-591-5900. Please provide at least 48 hours notification prior to the meeting to allow staff to make reasonable arrangements. (28 CFR 35.102-35.104 ADA Title II)

559.591.5900 / FAX 559.591.5902 . e-mail address: info@dinuba.ca.gov. www.dinuba.org



City Council Staff Report

Department: CITY MANAGER'S OFFICE

May 21, 2020

To: Mayor and City Council
From: Luis Patlan, City Manager
Subject: Covid-19 Update

RECOMMENDATION

Council to receive update on recent developments regarding Covid-19 pandemic. This an informational item only.

EXECUTIVE SUMMARY

Governor Newsom announced at this press conference on Monday, May 18, 2020 that he revised the metrics for counties in order to advance through Stage 2 with guidelines in place. The Governor said that 53 of the 58 Counties would be able to meet the new metrics. However, he also stated that Tulare County would not be able to meet the metrics given the number of positive cases and related deaths. On May 19, 2020, the Tulare County Board of Supervisors voted 3-2 to move the County into Stage 3 regardless of whether the County meets the new metrics released by the Governor. This action has prompted some confusion as to what businesses can and can't do. Supervisor Eddie Valero may participate on the teleconference call to provide an update on the board of supervisors action and answer any questions that the Council may have.

OUTSTANDING ISSUES

None.

DISCUSSION

The Governor's Executive Order issued on March 19, 2020 remains in place. The Governor has allowed certain Counties to gradually move from Stage 1 to Stage 2, opening additional sectors of their economy at their own pace. On May 18, 2020 the Governor introduced revised metrics to allow counties to advance further into Stage 2. These new metrics include stable or down trending hospitalizations (no more than

20 hospitalization on any single day over the past 14 days), cases per population count (14-day cumulative positive incidence of less than 25,000 per 100,000) and test positivity rate (less than 8% over the past 7 days).

To date, 26 counties have adopted and the state has approved their respective Covid-19 County Variance Attestations Form allowing them to move further into Stage 2. Currently no County is permitted under the Governor's Order to move into Stage 3, which includes, but is not limited to, such businesses as personal services such as nail salons, tattoo parlors, gyms and fitness studios; limited-capacity religious services and cultural ceremonies; entertainment venues with limited capacities, such as movie theaters, gaming, gambling, and arcade venues, and pro sports nightclubs; concert venues, live audience sports, festivals, etc.

It is unclear if the Tulare County Board of Supervisors action is valid given that the Governor's Order has the full effect of law. There is no county in the state that has moved into Stage 3. Furthermore, staff was advised that the California Office of Emergency Services (CalOES) advised the county on May 19 that their actions jeopardize its and the cities within the county eligibility for disaster funding. A copy of the letter from CalOES is attached.

The Tulare Board of Supervisors action has created confusion for those businesses impacted by the Covid-19 pandemic. For businesses seeking guidance or clarification about the County's recent action should contact the Tulare County 2-1-1 number for more information.

FISCAL IMPACT

None.

PUBLIC HEARING

None.

ATTACHMENTS:

CalOES Response Letter



May 19, 2020

Dr. Jason T. Britt
County Administrative Officer
Tulare County
2800 W. Burrell Avenue
Visalia, CA 93291
jtbritt@co.tulare.ca.us

Dear Dr. Britt:

On March 4, 2020, Governor Newsom proclaimed a State of Emergency to exist statewide due to the threat of COVID-19. Since that time, COVID-19 has spread throughout California, requiring further action to protect the public health and safety. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, which incorporated the State Public Health Officer's Stay-at-Home Order. This Order continues to apply statewide and remains necessary for the preservation of public health and safety. On May 4, 2020, the Governor issued Executive Order N-60-20. The Order allows local jurisdictions to take measured and meaningful steps to modify public health directives where public health data supports such a decision.

It is my understanding Tulare County has taken steps that are inconsistent with the Governor's Executive Orders and the State Public Health Officer's directives. These problematic and concerning actions jeopardize public health and safety, not only within the county, but beyond, through community contact and spread.

The county's actions could threaten Tulare County's eligibility for disaster funding. This funding is designed to assist jurisdictions facing extraordinary circumstances beyond the jurisdiction's capability. If Tulare County believes there is no emergency, such that it can ignore the Governor's Executive Orders or the State Public Health Officer's directives, the county would not be able to demonstrate that it was extraordinarily and disproportionately impacted by COVID-19. This could jeopardize its disaster funding.

Further, disaster assistance programs prohibit a jurisdiction from receiving funding for a condition caused by its own negligence. Should Tulare County experience a surge in COVID-19 cases as a result of hasty and careless actions, the county may be ineligible for reimbursement.

As you may be aware, the budget proposed in the Governor's May Revision includes \$1.3 billion in COVID-19 recovery funding for county governments, and \$450 million for cities. This funding is explicitly contingent upon jurisdictions' adherence to federal guidelines and the state's stay-at-home order.¹ Clearly, the actions Tulare County has taken would render it and the cities within the county ineligible for this funding, as they are in direct contradiction of the state's stay-at-home order.

We are seeking your cooperation and are offering to assist you in bringing Tulare County into compliance with state orders and directives by providing the framework established by the State Public Health Officer pursuant to Executive Order N-60-20, which allows local jurisdictions to move through Stage 2 of California's Pandemic Resilience Roadmap more quickly than California as a whole, to the extent local conditions warrant. Please visit <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-County-Variance-Attestation-Memo.aspx> to access the State Public Health Officer's guidance, including the following:

- An overview of Stage 2 of California's Pandemic Resilience Roadmap, including description potential variation within each stage;
- Metrics critical to assessing a county's readiness to move through Stage 2 of California's Pandemic Resilience Roadmap—including hospitalization and ICU trends, hospital surge capacity, quantities of Personal Protective Equipment, and capacity for testing and contact tracing; and
- Best practices for preparation of a county's COVID-19 Containment Plan.

Please confirm your intention to bring your jurisdiction into compliance with this framework by contacting Jake Hanson (jake.hanson@cdph.ca.gov) at your earliest convenience. Mr. Hanson can also assist you in making arrangements for a phone consultation regarding your intent to seek a variance, and for the submission of your related written materials.

¹ Section 11.90(d). http://dof.ca.gov/Budget/Historical_Budget_Publications/2020-21/May_Revision_Finance_Letters/documents/Statewide_Control_Sections.pdf

It is my hope that Tulare County will act in good faith, in the best interests of its residents, and for the safety of all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark S. Ghilarducci", with a long horizontal flourish extending to the right.

MARK S. GHILARDUCCI
Director

cc: Pete Vander Poel III, Chair, Tulare County Board of Supervisors
Karen Haught, MD, Tulare County Public Health Officer
Mark Pazin, Chief, Law Enforcement, Cal OES



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