

CITY OF YUBA CITY  
STAFF REPORT

**Date:** July 20, 2021  
**To:** Honorable Mayor & Members of the City Council  
**From:** Development Services  
**Presentation By:** Benjamin Moody, Director of Development Services

---

**Summary**

**Subject:** Rescinding the Proclamation of Local Emergency (COVID-19)  
**Recommendation:** Adopt a Resolution rescinding the Proclamation of the Existence of a Local Emergency within the City (COVID-19)  
**Fiscal Impact:** No direct fiscal impacts would result from rescinding the Proclamation of Local Emergency.

---

**Purpose:**

To rescind the Proclamation of Local Emergency that was enacted on March 24, 2020 in response to the COVID-19 pandemic.

**Background:**

On March 24<sup>th</sup>, 2020, Council held a special meeting on the effects of the COVID-19 pandemic and confirmed the Director of Emergency Services' Proclamation of the Existence of a Local Emergency within the City of Yuba City (COVID-19).

The Proclamation provided powers to the City to procure necessary goods and services, establish necessary rules and regulations, and redeploy existing resources in an effort to protect the health and safety of the City's employees, the well-being of residents, the health of our economy, and the continued provision of City services in a timely manner.

**Analysis:**

The Proclamation of Local Emergency (COVID-19) was put in place during a time of the pandemic when the City was facing many emerging and unknown concerns. The Proclamation followed suite with several entities; the Centers for Disease Control (CDC), California Governor Gavin Newsom, Sutter County, and the Yuba-Sutter Health Officer in establishing the need for an emergency to be declared in order for the city to properly respond to these concerns.

More than a year since the Proclamation was ratified, the City has a greater understanding of COVID-19 and the effects it has on our population. Sutter County has ended their Proclamation of Emergency and as of May 5<sup>th</sup>, 2021, the mask mandate was terminated by the Yuba-Sutter Health Officer. This followed CDC guidelines that fully vaccinated individuals no longer need to wear a mask in most settings. Finally, California Governor Gavin Newsom announced that the State could fully reopen on June 15<sup>th</sup>, 2021.

On July 6<sup>th</sup>, 2021 City Council introduced an ordinance to memorialize the Outdoor Dining Policy

that was enacted under the Proclamation. The adoption of the proposed ordinance is to be considered on July 20<sup>th</sup>, 2021, and allows for businesses to continue to utilize expanded outdoor dining, while in compliance with ordinance standards.

Additionally, the following impacts on employees are to be considered with the rescission of the Proclamation;

1. Rules, 2.08, Vacation Leave: The rescinding of the local emergency by City Council triggers the start of the final 90-day period for the vacation accrual cap suspension. After the 90-day vacation accrual cap suspension, the employees will then have up to one (1) year to decrease their vacation leave below the maximum, and utilize the additional accumulated vacation time. After the fifteenth month from the end of the emergency, employees must have all of their vacation time (including the additional vacation time earned during the vacation cap suspension) below the hard cap limits to continue to accrue additional vacation time;  
\* The 90-day period will begin on July 21<sup>st</sup>, 2021 and end on October 19<sup>th</sup>, 2021. By October 19<sup>th</sup>, 2022, employees must have their vacation accrual below cap limits.
2. Rules, 2.09, Sick Leave with Pay: This section is modified to incorporate the California COVID-19 Supplemental Paid Sick Leave (SB95 or CSPSL);
3. Rules, 2.09, Sick Leave with Pay: When an employee has exhausted COVID-19 leave benefits, has exhausted accrued City sick leave as well, and still qualifies for and needs sick leave for reasons as identified by the CSPSL, that such employee be temporarily permitted to run a negative sick leave balance (i.e. be advanced regular City paid sick leave) up to -80 hours maximum that will be replaced with future accruals. This benefit ends when CSPSL expires;
4. Employees may have to quarantine due to a work-related close contact COVID-19 exposure. This quarantine period, if not covered by worker's compensation and there is no remote work available, will be compensated through paid administrative leave until the quarantine period ceases as identified by California Department of Public Health. This benefit ends when COVID-19 quarantining requirements ends.

**Fiscal Impact:**

No direct fiscal impacts would result from rescinding the Proclamation of Local Emergency.

**Alternatives:**

- A. Do not rescind the Proclamation of Local Emergency at this time.
- B. Provide staff with direction regarding how to move forward under the Proclamation.

**Recommendation:**

Adopt a Resolution rescinding the Proclamation of the Existence of a Local Emergency within the City (COVID-19)

**Attachments:**

1. Resolution rescinding the Proclamation of Local Emergency
2. Resolution proclaiming the existence of a local emergency

Prepared By:

*/s/ Shannon Jones*

Shannon Jones  
Administrative Analyst

Reviewed By:

Finance

Human Resources

City Attorney

Submitted By:

*/s/ Dave Vaughn*

Dave Vaughn  
City Manager

SM

NS

SLC by email

# ATTACHMENT 1

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
RESCINDING THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY  
WITHIN THE CITY OF YUBA CITY (COVID-19)**

WHEREAS, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and

WHEREAS, COVID-19 spread outside of China, impacting more than 100 countries, including the United States; and

WHEREAS, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and

WHEREAS, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a “pandemic”; and

WHEREAS, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, on March 21, 2020, the City’s Director of Emergency Services declared a local emergency thereby activating the Emergency Operations Center; and

WHEREAS, after consideration of all items before it, on March 24, 2020, the City Council of the City of Yuba City declared a state of emergency to make additional resources available to address the effects of COVID-19; and

WHEREAS, the City has previously enacted emergency orders, adopted resolutions, and taken other actions as a result of the COVID-19 Pandemic; and

WHEREAS, since the declaration of the emergencies, a vaccine to COVID-19 has been developed and has been distributed to the degree that ample vaccines are available in the community; and

WHEREAS, infection rates are also significantly decreasing, which indicate that the direct threat appears to no longer has a high degree of urgency that might warrant an emergency order; and

WHEREAS, despite this the impacts from the emergency are still being felt throughout the community; and

WHEREAS, emergency measures were previously taken by the City to provide special support to businesses and City employees given the unique impacts of COVID-19, as well as federal, State, and county orders; and

WHEREAS, among others, these include outdoor dining and other measures to help protect local businesses and provide them with flexibility given mandatory State and other regulations outside of the City’s control; and

WHEREAS, the City Council has concurrently and separately considered the adoption of an Outdoor Dining Ordinance to continue to assist and protect local businesses after this local

declaration of emergency has been lifted; and

WHEREAS, repeal of the current local order would still leave the City in compliance with Governor's State of Emergency and would not impact the City's partner agencies continued coordination in the pandemic and vaccination response; and

WHEREAS, the City now desires to lift the declaration of the local emergency, subject to the winding down of certain measures to address the impacts of the pandemic on City Staff.

NOW, THEREFORE, THE CITY COUNCIL of the City of Yuba City does resolve as follows:

1. The recitals set forth hereinabove are true and correct and incorporated by reference.
2. The City Council finds and orders that the proclamation of the existence of the local emergency, as enacted by a "Resolution Of The City Council Of The City Of Yuba City Confirming The Director Of Emergency Services' Proclamation Of The Existence Of A Local Emergency Within The City Of Yuba City (COVID-19)" (Resolution No. 20-023) is hereby lifted as follows:
  - A. *Utilities*. Resolution 20-024, entitled a "Resolution Of The City Council Of The City Of Yuba City Authorizing The Temporary Waiver Of Late-Payment Penalties, Suspension Of Disconnections, And Deferral Of Payments For Water And Sewer Utilities In Response To The Covid-19 Pandemic" remains expired as of May 1, 2020, per its own terms, and is of no further force and effect.
  - B. *COVID-19 Cost Recovery*. Resolution 20-064, entitled a "Resolution Of The City Council Of The City Of Yuba City Authorizing The City Manager To Request Payment From The State Of California Pursuant To The Applicable Provisions Of Control Section 11.90(D) Of The Budget Act Of 2020 (COVID-19 Expenditures)" remains in full force and effect to the extent allowed by law.
  - C. *Outdoor Dining Policy*. In July of 2020, the City's Director Of Emergency Services previously issued an order entitled an "Order Of The Director Of Emergency Services Of The City Of Yuba City Authorizing Temporarily Waiver Of Certain Municipal Code And Entitlement Restrictions For Impacted Businesses On Plumas Street (COVID-19: Business Stabilization Event – Plumas Summer Street Marketplace)". The Order has since expired by its own terms. The City also implemented an "Outdoor Dining Policy–COVID-19" ("Outdoor Dining Policy"). The Order and Outdoor Dining Policy are of no further force and effect upon the adoption of the Outdoor Dining Ordinance (Municipal Code Section 8-5.4901 *et seq.*), which was concurrently considered for adoption at a regular meeting of the Council on July 20, 2022. All persons or business with outdoor dining must operate consistent with the City of Yuba City Municipal Code and any other applicable requirements, including those required for entitlements.
  - D. *City Employee Policies*. Resolution 20-048, entitled a "Resolution Of The City Council Of The City Of Yuba City Amending Employee Policies In Response To The Covid-19 Pandemic" and approved on May 19, 2020, as extended by Resolution 20-098 entitled a "Resolution Of The City Council Of The City Of Yuba City Amending Employee Policies In Response To The Covid-19 Pandemic," adopted September 1, 2020, is rescinded and is of no further force and effect except as to specific employee policies as follows:

- i. City of Yuba City Rules and Regulations, Section 2.08, Vacation Leave: The rescinding of the local emergency by City Council triggers the start of the final 90-day period for the vacation accrual cap suspension. \* After the 90-day vacation accrual cap suspension, the employees will then have up to one (1) year to decrease their vacation leave below the maximum, and utilize the additional accumulated vacation time. After the fifteenth month from the end of the emergency, employees must have all of their vacation time (including the additional vacation time earned during the vacation cap suspension) below the hard cap limits to continue to accrue additional vacation time;  
  
\* The 90-day period will begin on July 21st, 2021 and end on October 19th, 2021. By October 19th, 2022, employees must have their vacation accrual below cap limits.
  - ii. City of Yuba City Rules and Regulations, Section 2.09, Sick Leave with Pay: This section is modified to incorporate the California COVID-19 Supplemental Paid Sick Leave (SB95 or CSPSL);
  - iii. City of Yuba City Rules and Regulations, Section 2.09, Sick Leave with Pay: When an employee has exhausted COVID-19 leave benefits, has exhausted accrued City sick leave as well, and still qualifies for and needs sick leave for reasons as identified by the CSPSL, that such employee be temporarily permitted to run a negative sick leave balance (i.e. be advanced regular City paid sick leave) up to -80 hours maximum that will be replaced with future accruals. This benefit ends when CSPSL expires; and
  - iv. Employees may have to quarantine due to a work-related close contact COVID-19 exposure. This quarantine period, if not covered by worker's compensation and there is no remote work available, will be compensated through paid administrative leave until the quarantine period ceases as identified by California Department of Public Health. This benefit ends when COVID-19 quarantining requirements ends.
3. Any other remaining emergency order, directive, or regulation enacted under the proclamation of a local emergency for COVID-19 shall automatically expire, effective immediately, and the proclamation of the local emergency is hereby rescinded in full. All applicable requirements of State and federal law shall continue to apply.
  4. The City Manager, or designee(s), is authorized and directed to implement the policies identified in this Resolution for and on behalf of the City.
  5. This Resolution shall take effect immediately.

The foregoing Resolution was passed and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 20<sup>th</sup> day of July, 2021, by the following vote:

AYES:

NOES:

ABSENT:

---

Marc Boomgaarden, Mayor

ATTEST:

---

Ciara Wakefield, Deputy City Clerk

APPROVED AS TO FORM  
COUNSEL FOR YUBA CITY:

---

Shannon Chaffin, City Attorney  
Aleshire & Wynder, LLP



# ATTACHMENT 2

**RESOLUTION NO. 20-023**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY  
CONFIRMING THE DIRECTOR OF EMERGENCY SERVICES'  
PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY WITHIN  
THE CITY OF YUBA CITY (COVID-19)**

**WHEREAS**, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and

**WHEREAS**, COVID-19 has since spread outside of China, impacting more than 100 countries, now including the United States; and

**WHEREAS**, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; and

**WHEREAS**, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

**WHEREAS**, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and

**WHEREAS**, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

**WHEREAS**, the Sutter County has declared a local emergency, and on March 18, 2020, the Yuba-Sutter Health Officer issued directive to stay home except for essential activities; and

**WHEREAS**, on March 19, 2020, Governor Newsom issued a "stay home" order per Executive Order 33-20; and

**WHEREAS**, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the City, and to prepare to respond to an increasing number of individuals who may require medical care; and

**WHEREAS**, strict compliance with certain Municipal Code and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and

**WHEREAS**, Sections 2-8.05 and 2-8.06 of the Yuba City Municipal Code appoint the City Manager as the Director of Emergency Services and empowers the Director to issue an emergency proclamation if the City Council is not in session; and

**WHEREAS**, on March 21, 2020, the City's Director of Emergency Services declared a local emergency thereby activating the Emergency Operations Center; and

**WHEREAS**, per Government Code Section 8630 a local emergency declared by the Director of

Emergency Services shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council; and

**WHEREAS**, the Director of Emergency Services requests that the City Council of the City of Yuba City proclaim the existence of a local emergency; and

**WHEREAS**, after consideration of all items before it, the City Council of the City of Yuba City now desires to declare a state of emergency to make additional resources available to address the effects of COVID-19.

**NOW, THEREFORE**, the City Council of the City of Yuba City does resolve as follows:

1. The conditions of extreme peril to the safety of persons and property have arisen within the City of Yuba City, caused by the effects of COVID-19.

2. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency by the City's Emergency Service Director.

3. The City Council does hereby ratify and confirm the declaration of a local emergency by the Emergency Services Director.

4. During the existence of said local emergency, the powers, functions and duties of the Emergency Services Director and the City's Civil Defense and Disaster organization shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency. In this regard, the Council desires to make clear the powers, functions, and duties include:

(a) As necessary for the public health, life, and property, entering into contracts to arrange for the procurement of materials, goods, and services needed to assist in preparing for, containing, responding to, mitigating the effects of, and recovering from the spread of COVID-19. Applicable provisions of the Government Code and the Public Contract Code, including but not limited to travel, advertising, and competitive bidding requirements, as well as any City procurement or related policy, are suspended to the extent reasonably necessary to address the effects of COVID-19.

(b) The Emergency Services Director is expressly authorized to assist with any lawful order, including the enforcement of an order of quarantine or curfew, as well as ordering potentially ill City employees to leave the workplace, authorizing certain City employees to work remotely, taking steps to limit non-essential contact by City employees, etc., to address the effects of COVID-19.

5. The local emergency shall be deemed to continue to exist until its termination is proclaimed by the City Council.

6. The Government Code Section 8630 requirement that the Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency has been waived for the duration of the statewide emergency declared by Governor Newsom. If this declaration of local emergency extends for more than the duration of the statewide emergency declared for COVID-19, City Staff are directed to thereafter return this item for Council review of the need for continuing the local emergency at least once every 60 days until the City Council terminates the local emergency.

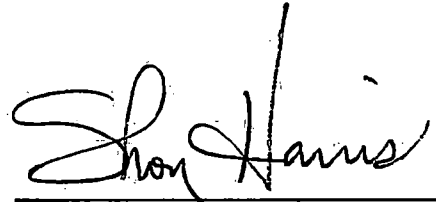
7. This Resolution shall take effect immediately. This Resolution and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.

The foregoing resolution was adopted by the City Council of the City of Yuba City at a special meeting thereof held on the 24<sup>th</sup> day of March, 2020.

AYES: Councilmember Boomgaarden, Cardoza, Espindola, Shaw and Mayor Harris

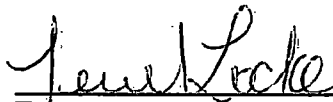
NOES: None

ABSENT: None

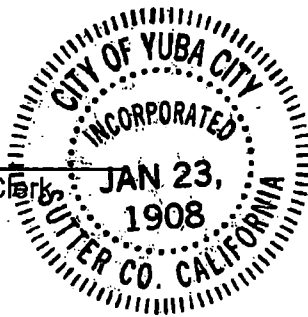


Shon Harris, Mayor

ATTEST:



Terrel Locke, Deputy City Clerk



APPROVED AS TO FORM:

By: 

Shannon L. Chaffin, City Attorney  
Aleshire & Wynder, LLP

*Attachment: Emergency Proclamation*

**ATTACH ENT A**

**PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES**

**PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF YUBA CITY DECLARING THE EXISTENCE OF A LOCAL EMERGENCY WITHIN THE CITY OF YUBA CITY (COVID-19)**

**WHEREAS**, in December, 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China; and,

**WHEREAS**, COVID-19 has since spread outside of China, impacting more than 100 countries, now including the United States; and

**WHEREAS**, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country, and;

**WHEREAS**, the California Department of Public Health has activated its Medical and Health Coordination Center, and the Office of Emergency Services recently activated the State Operations Center to provide support and guide actions to preserve public health; and

**WHEREAS**, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and,

**WHEREAS**, on March 11, 2020, the Director-General for the World Health Organization declared that COVID-19 can be characterized as a "pandemic"; and

**WHEREAS**, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

**WHEREAS**, the Sutter County has declared a local emergency, and on March 18, 2020, the Yuba-Sutter Health Officer issued directive to stay home except for essential activities; and

**WHEREAS**, on March 19, 2020, Governor Newsom issued a "stay home" order per Executive Order 33-20; and

**WHEREAS**, it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases within the City, and to prepare to respond to an increasing number of individuals who may require medical care; and

**WHEREAS**, strict compliance with certain Municipal Code and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19, which issue cannot be timely addressed absent a declaration of emergency; and

**WHEREAS**, Sections 2-8.05 and 2-8.06 of the Yuba City Municipal Code appoint the City Manager as the Director of Emergency Services and empowers the Director to issue an emergency proclamation if the City Council is not in session; and,

**WHEREAS**, per Government Code Section 8630 a local emergency declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council; and

**WHEREAS**, after consideration of all items the Director of Emergency Services now desires to

proclaim the existence of a state of emergency to make additional resources available to address the effects of COVID-19.

**NOW, THEREFORE,** the Director of Emergency Services for the City of Yuba City does find and proclaim as follows:

1. The Director of Emergency Services finds that the conditions of extreme peril to the safety of persons and property have arisen within the City of Yuba City, caused by the effects of COVID-19.

2. The Director of Emergency Services further finds that the City Council is not currently in session.

3. The aforementioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency by the City's Emergency Service Director. Pursuant to the authority granted by City ordinance, I hereby proclaim that a local emergency now exists throughout the City.

4. It is further proclaimed and ordered that during the existence of said local emergency, the powers, functions and duties of the Emergency Services Director and the City's Civil Defense and Disaster organization shall be those prescribed by State Law, City ordinances, resolutions, and approved plans of the City in order to mitigate the effects of said local emergency.

5. Consistent with Government Code Section 8630(b) the local emergency shall not remain in effect for a period in excess of seven days unless it has been ratified by the City Council.

6. This proclamation and its contents will be published and promulgated in as widespread a manner as is reasonable feasible under the conditions prevailing during this local emergency.

7. This proclamation of a local emergency shall take effect immediately as of the date first set forth below.

Dated: March 21, 2020

Diana Langley  
Diana Langley  
Interim Emergency Services Director