

# **EMERGENCY MEETING of the CITY OF RIALTO CITY COUNCIL**

## **MINUTES March 12, 2020**

An emergency meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, March 12, 2020.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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### **CALL TO ORDER**

Mayor Deborah Robertson called the meeting to order at 2:00 p.m.

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The roll was called, and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Ed Scott, Council Member Joe Baca Jr., Council Member Rafael Trujillo and Council Member Andy Carrizales. Also present were City Manager Rod Foster, Interim City Attorney Eric Vail, and City Clerk Barbara McGee. City Treasurer Edward Carrillo was absent.

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### **COMMENT**

Mayor Robertson stated she wanted to make a few comment about today's meeting.

This is a special meeting that was called within 24 hours. Based on it being under Government Code 54954.3, a special meeting, and if people wish to speak to oral communication, it should be on the subject at hand.

Earlier today when she came it, she asked that this meeting be televised as this is somewhat historic. She has been Mayor since 2012 and been on City Council since 2000. She can't really recall when they have stopped and make a Declaration due to an emergency. They think of things such as earthquakes and fires, something catastrophic. They haven't had a national pandemic where they need to stop and reassess how they are going to do business.

She did ask for this to be televised, however, she was advised by the City Manager that he was advised by the City Clerk that they didn't have a policy on who make the decision of when something should be televised.

## **COMMENT**

Mayor Robertson stated given what everyone is saying about having people come in no greater than 50-100, encourage social distancing. She felt it was appropriate that they should have televised this live. But its not being televised live. Those who are in the audience are witnessing and being a part of history. She will say that she suspects that it will be posted upon the conclusion. Those that have access to YouTube, they would be able to share the meeting with those who would like to see it.

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## **ORAL COMMUNICATIONS**

No one came forward to speak.

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## **NEW BUSINESS**

Fire Chief Sean Grayson presented the staff report regarding consideration of Resolution No. 7600 Declaring the Existence of a Local Emergency throughout the City of Rialto in response to the COVID-19 Outbreak.

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Interim City Attorney Eric Vail stated the first order of business would be to approve the Resolution which only does three things. The Resolution says that the City Council finds that there are sufficient facts that constitutes a State of Emergency. Because of those facts they are going to declare a State of Emergency under not only the Brown Act but also under the California Emergency Services Act. Finally, they will activate and authorize the City Manager to act the Director of Emergency Services and to exercise the duties and powers in the Rialto Municipal Code. After, if they declare the emergency, City Council might have other actions they would want to take. As suggested by the Fire Chief, for example to suspend certain city events, to close public facilities or to take other actions. If they want to take those actions, the Brown Act allows to have the City Council vote by a majority to add those items and then they can act on it.

Once they declare an emergency, in an emergency meeting they have some additional powers that they can exercise. Normally, they would have to have everything written out on the Agenda. Declaring an emergency in an emergency meeting, City Council can add things as it comes up.

In addition, later on they will want to talk about teleconferencing and how to do meetings. Maybe to allow people to participate off site. The Governor issued a new Executive Order today which opens up some flexibility in the Brown Act.

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## **NEW BUSINESS**

Mayor Robertson stated when looking at the Municipal Code, and knows they have some things that are electronic that are not in the paper book, but she noticed the Emergency Response only had three pages. She is sure there is more. They will do the Declaration and she hopes they would go further. She is glad he mentioned that the Governor added an Executive Order, that she will take credit that she in any way inspired that. She did write to the Governor's office this morning and she received a notice thanking her for her comments. It was along the lay of not only protecting citizens and everybody within that order but also realizing they have State employees that are traveling into workstations. They have counties that have already been designated with detection. She suggested he consider work in place because that is something the State of California has already put in place, teleworking, teleconferencing and working in the building, in the county that they live rather than going into a county that already has detection.

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Council Member Baca Jr. stated that this is a local, national and international issue. Its important that they as a City take some action on this. He is glad they were able to secure some supplies from the Office of Emergency Services, County of San Bernardino. This is a good first start in making sure their first responders have the proper equipment when they are out in the field.

He had the opportunity to talk to Dr. Avila, Superintendent of the Rialto Unified School District and he shared some of the precautions they are taking. They are limiting travel, not allowing field trips for students. They are cancelling any pep rallies and assemblies until further notice. RUSD just went on Spring Break, so they are beginning to deep clean and disinfect facilities to take a proactive approach.

They need to look at telecommuting with current employees if possible. Other cities are sending people home if they look or feel ill. They need to go over safety procedures with employees and talk about what they should do beyond first responders and public works. They have to consider the Grace Vargas Senior Center; the elderly are the most vulnerable to the virus. They need to be proactive. They need to look at the visiting the senior facilities and seeing what they can provide for them. They need to do more than just declare an emergency. They have to take a more proactive approach and try to address it. Clearly they need to shut down activities, it's one of the preventative measure they have to do and educate the public.

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Council Member Trujillo thanked staff for the presentation at the last City Council Meeting, drilling down the issues they need to prepare for. As a Federal worker they have already been working on some of the changes in their office. They wipe everything down in the lobby and looking at air purifiers for the lobby.

## **NEW BUSINESS**

Council Member Trujillo stated instead of holding meetings in the back, they hold them in the lobby area and then wipe everything down. To protect not just the employees but the public as well.

He is hoping they have the same type of changes in the way they deal with the services at City Hall. Some cities are banning non-city employees from City Hall, that is something they need to look at down the road. Definitely there needs to be a lot of precautions to keep employees and the public healthy and safe. At the last meeting they mentioned the treatment plant, he is hoping to get a plan to address that. He is thankful to the school district and the cautionary measures they are taking mainly because the community has a lot of intergenerational homes where young kids are living with grandparents. When he visits Julia Palms, he sees a lot of young families living with the grandparents. One of the reasons they have to make these tough decisions when it comes to their events is because they want to make sure they reduce or eliminate large gatherings in the City to prevent the spread. Because the last thing they want to do is impact the healthcare system and emergency rooms. He thanked staff for bringing them in this direction to help prevent the spread of this epidemic.

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Motion by Council Member Trujillo, second by Council Member Baca Jr. and carried by a 5-0 vote to adopt Resolution No. 7600, A Resolution of the City Council of the City of Rialto proclaiming the existence of an emergency situation and local emergency due to the worldwide spread of COVID-19.

The vote was: AYES: Mayor Robertson, Mayor Pro Tem Scott, Council member Baca Jr., Council Member Trujillo, and Council Member Carrizales. NOES: none. ABSTAIN: none. ABSENT: none.

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Mayor Pro Tem Scott stated he has a serious concern about their first responders and their safety. He believes the City Council should authorize the City Manager to approve any and all funds necessary for equipment they might need over and above what the County of San Bernardino has provided. The City Council should authorize the City Manager, in the event that any first responders or any other City employees who have direct contact with the public and could possibly be exposed and be required to be quarantined. I think it would a responsible duty of the City to waive any sick leave requirements. In other words, he wouldn't to see them have to use their sick leave in the event that they have been exposed doing their job. Additionally, as far as the community, they should look at some ways as far as discounts or suspensions or allowing payment later of individuals who might have situations where they couldn't afford their water or wastewater payments. He would like to see something come back to City Council. He thinks they should encourage the employees to telecommunicate when possible with meetings. He personally will begin telecommunicating most of his meetings.

## **NEW BUSINESS**

Mayor Pro Tem Scott stated if it becomes a situation where there are cases of this discovered in the City, he is a high-risk person with serious medical issues, he would be participating in City Council meetings by telephone. There is another high-risk elected official, City Treasurer Carrillo. He has also been in communication with the school district and he appreciates what they have done, very proactive to protect the kids. He spoke to the City of Fontana to see what they are doing, and they are taking special events case by case and deciding whether to cancel. They need to make a decision well ahead of time. He has something personally he wants to talk about, racial profiling. The City Council knows that his wife is Asian. She and a friend, who is also Asian, went to San Manuel last night where they were accosted and attacked by a group of people because they were Asian. They were questioned about where they had come from and how long they had been in this country and was treated very poorly. They as a City should not allow such behavior by anyone towards any Asian individual. Its just inappropriate. He wanted to make the Rialto community aware that this stuff is going on and its totally unacceptable. His wife and her friend have been in this country since 1974 and his wife has been here since 1985. They are both American citizens and they both deserve to be respected and not profiled as does anybody in this country. He would hope they don't start seeing that kind of behavior in this City.

He encourages the public to stay home as much as possible. He doesn't think big gatherings or meetings are a good idea. He would hope they set up some kind of system that if somebody doesn't want to come to to a City Council Meeting but if they want to say something, they can write it out and the City Clerk can read it out loud so they can still participate. He thinks they need to be very proactive. Additionally, the website information, the information posted, they spoke about Tuesday night. There are some inaccuracies between that and what the CDC and the World Health Organization relayed by television this morning. That is in regards to how long this virus lives, what it can live on and what it takes to kill it. So, I think it's important that the community knows what they have determined. They need to amend the website to reflect those items and he is hoping they are updating it on a daily basis, so the community is informed.

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Council Member Baca Jr. asked if they can deep clean all city facilities and make sure they are disinfected. He would like to see them go to their senior center and see what they can provide to them.

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Mayor Pro Tem Scott stated the City of Fontana is restricting their senior center to only seniors and no visitors.

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## **NEW BUSINESS**

Council Member Trujillo stated the big message is being able to protect the residents and employees. A lot of the decision making that is going to be happening through the City Manager. How they address the Corona Virus is very important. They just want to make sure everyone is safe. If they need to have a budget item come by, that's important. Not just extending some janitorial contracts but even buying the equipment. I really do feel they need to invest in trying to keep their employees and public safe. Later on, they will need to look at access to City Hall. He is hoping they are responsive enough in terms of what happens in the community.

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Mayor Robertson stated its not so much suggestions, they need to actually give the City Manager some of the things they would want him carry out as the EOC Director. All that was said are points they should look at. Today, along with the Governor's Executive Order, she also knows the City of Los Angeles took an effort to minimize gatherings. This goes beyond the health part; it goes to the economic impact to their community and small businesses. As they all know the DOW is definitely down by so many percentage points. The ramifications are broad, with the small businesses they have to remember that they are there for their livelihood and employing people, many part time. Even if they suggest to minimize going out or gathering to create social distancing. Consider ordering the meals from the restaurants so they can keep the revenue coming in. The City Manager will be the one that handles and directs, and he needs to keep his key essentials. In the EOS when they have an emergency one of the things they need to do is make sure all those that have to respond can take care and be comfortable knowing that their family is safe and secure. She would ask that the City Manager acting as the Emergency Response Director that they have a plan to the point of having people work in place. If they are in another county and they are commuting perhaps that staff can be working from home, rather than having them come in from counties already having detection. If its essential, then its known they need to be here. She spoke to the Chief briefly and asked who is going to be in the EOC for the public safety side. He may be there, or he has to have subordinate command person. She would say the same to the City Manager, he is the Director and he can delegate for his safety. He is in Orange County, the Deputy City Manager is in Orange County and the Community Development Director is in Orange County. She would hope he comes up with a plan that they can telecommute, work in place and maybe have one of his team members, who lives in this county, act as the on-site person. They need to look beyond just what they are doing here. People are commuting in, either, driving or taking public transportation. Maybe in 14 days they need to think about how much they can do to have people work in place. They can still get things accomplished.

The liability, she had heard in the report, the facilities they need to look at, such as the senior center. They need to determine how do they assess if someone has some concerns.

## **NEW BUSINESS**

Mayor Robertson stated do they need stations. Posted at places where they are going to have those who are subject to be vulnerable. The senior center and activities is a point of socialization. Maybe the staff needs the ability to notice any changes in the senior center. Also, think about those who are going to be there, what types of training and safety measures are they giving employees. They are going to have a closer contact with those who are more vulnerable. They have events coming up, they have one on Saturday, the Eastern Little League Opening Day she had mentioned on Tuesday. She would only ask the Director if he makes a decision to cancel something that they receive the notice and let them know that decision of what they are going to cancel within no less than 48 hours so people can adjust their schedule.

Its not all doom and gloom, its for them all to be very diligent and helpful and observant. To Mayor Pro Tem's point, this is a time to be kind and know they are all in this together and not cause racial profiling. Not giving anyone a sense of feeling like they are not wanted or don't belong.

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Council Member Baca Jr. asked the City Manager to read back the direction.

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Mayor Pro Tem Scott stated he would like to include one thing; he would like to see those Macs expedited. Anyone of them who need to telecommunicate without having to do it on a telephone.

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City Manager Foster stated the Macs are onsite being formatted.

He wanted to point out one thing from Fire Chief's report, in consultation with the Police Chief and Director of Community Services had with the Fire Chief, his staff was discussed and pulled. They believe all special events in response should be cancelled. He understands that might be a large thing. The professional staff has communicated with the emergency staff about it. Fire Chief and Police Chief both recommended to him, based upon the timeline, if somebody tests positive there is usually a two week wait. It may take upward of a month if not longer. The staff report had a recommendation that events be cancelled through the end of April. Hearing the comments of City Council, acting both as City Manager and Director of Emergency Services know the next time they meet would be the 24<sup>th</sup>. His suggestion would be in support of what staff has said, that the cancellation be until the minimum of the end of this month to give enough notice. He would like some clarity on this.

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Mayor Pro Tem Scott asked if that was an actual city event.

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City Manager Foster stated they utilize the facility.

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## **NEW BUSINESS**

Perry Brents, Community Services Director stated as part of their policy on allocation of fields, Rialto Eastern Little League has use of the field.

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Mayor Pro Tem Scott asked if they intend to close parks.

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Perry Brents, Community Services Director stated unless City Council gives that direction. They have the issue of the gazebos being rented. There is usually no more than 50 people per gazebo, but they can get people in the park 250-300 people.

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Mayor Robertson stated this is where they get creative and think about the event. Now the NCAA holds March Madness but they are not allowing spectators.

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Council Member Baca Jr. stated NCAA just cancelled the event.

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Mayor Robertson stated perhaps the thought was, if they use the threshold of a large gathering of no more than 25. They have to decide to have some kind of way to determine how many people to accomplish the spacing need. They need to not only think about them on their sites but the liability associated with it, even though they may not be running the events themselves.

They also have the passport event coming up on the 21<sup>st</sup>. that tends to be a large gathering and keeping the 6ft. of distance is something.

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City Manager Foster stated their Farmer's Market. He would consider that as a large event.

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Mayor Robertson stated there is more than what they have on the calendar of events. This is why she said, at some point they need to think about the workforce. How many essential people have to be here. What is the operation if they are going to try and encourage people to either delay paying bills and to shelter in place.

If people are here to speak to any activities that impact them, do they have any thoughts.

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Julie Garcia, Rialto Eastern Little League, stated she is not the only one having opening day on the 21<sup>st</sup>. She has no problem moving it to the 28<sup>th</sup>, a week or two is not an issue for them. According to little league rules they need to have a certain number of games in to qualify for All Stars. Losing a week or two for the safety of everybody is something they need to do.



## **NEW BUSINESS**

Julie Garcia, Rialto Eastern Little League, stated they are currently sharing a field with Northern, so they are at bare minimum with games now because of construction at Frisbie Park. A week or two is not going to kill them. City Council is worried about Opening Day ceremonies, but can they still practice. Practice is a team by team situation.

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Mayor Robertson stated this is why they are there, they don't have everything they need to think through. She appreciates Ms. Garcia for raising that question. They all want to be able to work with everybody.

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Council Member Baca Jr. stated the big concern is the amount people that would be there for an opening ceremony. The RUSD is allowing for their teams to practice and play. He doesn't think they want to stop their season and allow them to practice and play. They may have to say the ceremony may not happen just for the safety of the entire group. He thinks that would be a fair option.

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Julie Garcia, Rialto Eastern Little League, stated if they were to cancel opening day, which is not a big deal. If they continue to play baseball, the games don't start until the 23<sup>rd</sup>. they are only going to have two teams on each field at a time.

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Mayor Robertson stated she thinks they could, this is what they are going to work out. If they can really minimize the community gathering and maybe have one big ceremony in June.

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City Manager Foster stated this direction is clear and good. Even if they had seen some professional sports out right cancel, they seen soccer games being played without anyone in the stadium. He hears from City Council of trying to control the spectators. This might give them an opportunity to make Closing Day as big as Opening Day. There is a number of things they can do to make that happen. The next meeting is March 24<sup>th</sup> and would have to present that recommendation, if within his authority they vest him to make that call. But if they are talking 24 hour notice he will say they need to be cautionary. The events this weekend will need to be cancelled and throughout the end of this month.

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Perry Brents, Community Services Director stated because of inclement weather, they would not be able to play in the park this weekend anyway. They are already cancelled for Bud Bender Park.

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## **NEW BUSINESS**

City Manager Foster stated but the ability to play in the park is managed through the leagues and the situation is fluid. If it gets worse then maybe they have to pull it back. At that time, he thinks reasonable minds would understand that they are doing it for all the right reasons.

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Council Member Baca Jr. stated to Ms. Garcia, whenever they get a chance to do the photos, just stagger the times for each team to come in. But still get to do the photo shoot, because he knows how important that is for families and children to have their team photos.

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Eric Vail, Interim City Attorney stated he thinks it would be helpful for City Council to vote to give direction on items, for example, cancelling the use of the park for Opening Day Ceremonies but allow practice of some games. Whether they give that authority to City Manager to make on an ad-hoc, case by case basis. Obviously they won't be able to take all those events but if they are of mind to say, "you know what to do", take a vote and give that direction.

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Mayor Robertson stated she thought they were giving the authority to the City Manager to do that and just asking to be notified of what decision was made and coming back with a plan. I feel he should come back with a backup plan by March 24<sup>th</sup> as it relates to their workforce.

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Mayor Pro Tem Scott stated additionally all the other items Mayor and the Council Members mentioned and to move forward unless there are some objections.

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Motion by Mayor Pro Tem Scott, second by Council Member Baca Jr. and carried by a 5-0 vote to give the authority to the City Manager to do what is necessary and to notify City Council on what decision was made; and to include the suggestions made by City Council.

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City Attorney Vail stated earlier today Governor Newsom issued Executive Order N-25-20, which is available on the State website. Its has 12 different specific orders. Order 11 is the one that addresses the Brown Act. It doesn't suspend the Brown Act all together. They still have to comply with the Brown Act. It's does make telecommuting easier. Currently, if they telecommute, they have to post it on the Agenda who is going to teleconference. They have to notice it 72 hours in advance. They have to post a notice at the location. They have to be at the location. The location has to be accessible for people to go and make comments at that location and it has to be ADA accessible. All of those rules have been suspended. So they may now in a regular meeting, special meeting or emergency meeting have somebody telecommute.

## **NEW BUSINESS**

City Attorney Vail stated that person can call in and be considered part of the quorum. They can vote and do not have to post a notice and they do not have to be within the jurisdiction. There is a lot more freedom to allow people to participate in meetings even if they are outside the jurisdiction of the City; as long as they can call in. To the extent they know that somebody is going to teleconference into the City Council Meeting; that should be noticed on the Agenda. They don't have to post the locations or make them available. In addition, he would suggest that the governors Executive Order really encourages to find ways to allow members of the community to participate in the meeting via teleconferencing or other electronic means. Whether that's by email or text or livestreaming to comment on an item to participate from where they are. They don't have to at this time make a rule about not inviting people to the Council Meetings. They can see how the situation develops but he encourages City Council to direct staff to find ways for people to telecommute. Also, to encourage people who are high-risk, chronically ill, elderly, those who are the most susceptible to specifically avail themselves the electronic means to participate in the meetings.

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## **ORAL COMMUNICATIONS**

John Donovan, Rialto resident, stated he had a meeting scheduled in a week at the community center. It was going to include a lot of high-risk people. It was a memorial services. He is probably going to cancel it. The fees or the deposit, is there any idea about waiving the deposit.

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Mayor Robertson stated absolutely, if they cancel the event, they wouldn't want to keep the fees but she will let the City Manager oversee those items.

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City Manager Foster stated he can only second that motion.

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Mayor Robertson stated if they find they are canceling something and they find that people have paid a deposit, they need to make sure they can get their refund. They need to look at all the city facilities where people made reservations and to talk to the Church where people hold weddings.

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## **ADJOURNMENT**

Motion by Council Member Trujillo, second by Mayor Pro Tem Scott and carried by a 5-0 vote, to adjourn the Emergency City Council Meeting at 8:45 p.m.

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MAYOR DEBORAH ROBERTSON

**ATTEST:**

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CITY CLERK BARBARA A. McGEE