



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: APRIL 21, 2020**
FROM: COUNCILMEMBER RONALDO FIERRO **WARDS: ALL**
COUNCILWOMAN GABY PLASCENCIA

SUBJECT: ADOPT A RESOLUTION ESTABLISHING COVID-19 RELATED PROTECTIONS FOR ESSENTIAL WORKERS OF GROCERY, PHARMACY RETAIL AND OTHER APPLICABLE ESSENTIAL BUSINESSES; FOR THE DURATION OF THE LOCAL EMERGENCY

ISSUE:

Adopt the following resolution to provide workers of grocery, drug retail and food delivery platforms with comprehensive added protections during the COVID-19 pandemic; as to safeguard the safety and wellbeing of the general public.

RECOMMENDATIONS:

That the City Council:

1. Approve the attached resolution providing COVID-19 protections for both essential workers and the general public for the duration of the local emergency by;
 - a. Ordering Grocery and pharmacy retail stores to:
 - i. Limit the occupancy of persons at any given time to 50% of capacity; and
 - ii. Enforce social distancing requirements by marking down the floors inside and outside stores with indicators as well as posted signs to remind customers and employees of 6-foot social distancing requirements; and
 - iii. Provide non-medical face masks and gloves for employees at the expense of the employer and allow employees to wash hands as needed; and
 - iv. Install Plexiglas shields at all points of sale whenever possible; and
 - v. Maintain security onsite to enforce social distancing measures and safeguard employees from unruly customers; and
 - vi. Inform their employees of what precautions they will take when an employee tests positive for COVID-19 and to the best of their ability inform affected employees without violating HIPPA when a co-worker within a store tests positive for COVID-19.

- b. Strongly encouraging all essential businesses, including grocery and convenience stores, to utilize their ability to refuse service to customers who aren't wearing face masks.

BACKGROUND:

The City, pursuant to the police powers delegated to it by the Constitution of the State of California, has the authority to enact laws which promote the public health, safety and general welfare of its residents.

In accordance with Municipal Code Chapter 9.20.260, The City Council is empowered to enact ordinances, resolutions or rules to prevent against, mitigate, and prepare for aid in the response or recovery to all such foreseeable or unforeseeable emergencies and disasters. During a local emergency the City Council may promulgate orders and regulations necessary to provide for the protection of life and property, such orders and regulations and amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice.

On March 4th, 2020, California Governor Gavin Newsom declared a State of Emergency in California due to the threat of Coronavirus (COVID-19). On March 8th, 2020, Riverside County Public Health Officer declared a local health emergency based the imminent threat to public health from COVID-19 in Riverside County.

On March 17th, 2020, the Riverside City Council ratified a local emergency declaration in order to protect the public from COVID-19. Further actions ordered all bars, wineries and breweries to close and for restaurants to cut capacity to 50%. A previous order by the Riverside County Public Health Officer ordered the cancellation of all gatherings with an expected presence of 10 people or more, effectively closing most small businesses.

On March 19th, California Governor Gavin Newsom put in place a statewide a "Stay at Home" order, closing down all but essential businesses and telling over 40 million Californians to stay at home whenever possible.

The statewide order exempted businesses and the employees of said businesses that provide essential services – such as grocery stores, pharmacies, gas stations and others that provide for the critical infrastructure of the California.

On March 26th, the County Public Health Officer shared projections that at the current rates, Riverside County will see upwards of 50,000 COVID-19 cases and 1,000 deaths by the start of May, with hospitals filled to capacity by mid to late April.

On April 5th, the County Public Health Officer ordered that all residents leaving their homes to cover their face and prohibited all gatherings of individuals that are not family members that live in the same home.

DISCUSSION:

In a matter of weeks, sweeping and comprehensive actions have been taken at the federal, state, county and local level in mobilization efforts to slow and limit the spread of an unprecedented pandemic, while also ensuring that vulnerable populations are able to stay in their homes and are not disproportionately affected by COVID-19.

In result of these efforts, many businesses have closed and the restaurants that remain open are serving take-out with limited hours. However, grocery stores, farmers markets and pharmacy retail stores have remained open with very few mandated restrictions, serving as the only means for residents to purchase essential food items and feed their families. Fear and panic in response to the pandemic has resulted in long customer lines and very often large numbers of customers inside these stores. These conditions put essential workers and the general public at a greater risk of contracting the virus and increasing community spread.

The essential workers at these establishments are a key member of the front-line responders to this largely unprecedented public health emergency and are critical to ensuring that our community continues to have access to essential food and household items. While still clocking into work, many of these workers are facing the same challenges and hardships the rest of the public is, with increased childcare needs and possible caregiving for elderly relatives.

This resolution aims to enhance our efforts to safeguard public health and to provide further safety and protections for frontline workers and customers.

Limiting Capacity: The resolution calls for all grocery and pharmacy retail stores to restrict their occupancy at any given time to 50% of their capacity. This will ensure that stores are not crowded with frantic shoppers and will de-incentivize unneeded shopping trips.

Enforcing Social Distancing Measures: Many grocery stores within City limits have already instituted social distancing requirements within their stores. This ordinance calls for all grocery and pharmacy retail stores to mark down floors leading up to check-out and outside where lines form with six feet indicators. This can be as simple as tape on the floor.

Providing Personal Protective Equipment: The County of Riverside has ordered all residents to wear masks outside of their homes. This resolution will mandate that employers must provide non-medical face masks and gloves if requested by employees. The resolution also calls for grocery and pharmacy retail stores to install Plexiglas shields at all points of sale, when possible.

No mask, no service Policy: This builds upon the previous directive and encourages essential businesses throughout the City to utilize their ability to refuse service to customers that are not wearing a face mask. This resolution will not require that businesses refuse service for customers without masks but strongly encourages them to adopt such policies.

Prohibition of Retaliation and Possible Enforcement: Essential workers are protected from retaliation during the COVID-19 crisis. Employees that claim a violation of this article are entitled to bring an action in the Superior Court of the State of California against an Employer and may be awarded reinstatement, backpay or other legal or equitable relief the court may deem appropriate.

This resolution will provide much needed support to our frontline workers that don't have the luxury of working from home, having an increased chance of contracting the virus and spreading throughout the community and will provide consistency in our mission to slow the spread of COVID-19, decrease the burden on our healthcare system and save lives.

FISCAL IMPACT:

There is no anticipated fiscal impact of this action.

Prepared by:



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Attachments:

1. Resolution
2. County Order
3. State "Stay at Home" Order