



Midpeninsula Regional  
Open Space District

R-21-96  
Meeting No. 21-20  
July 14, 2021

## AGENDA ITEM 7

### AGENDA ITEM

Termination of Local Emergency in response to the COVID-19 Pandemic

### GENERAL MANAGER'S RECOMMENDATION *den*

Adopt a Resolution terminating a local Midpeninsula Regional Open Space District emergency in response to the COVID-19 Pandemic

### SUMMARY

The Board of Directors declared a local emergency on April 6, 2020 in response to COVID-19 and authorized the General Manager to take certain public health emergency actions. Effective June 15, 2021, the State of California has announced that all industries across the state can return to usual operations with common-sense risk reduction measures such as masking and vaccinations. Accordingly, the General Manager now recommends that the Board approve the attached Resolution terminating the District's local emergency.

### DISCUSSION

On March 4, 2020, California Governor Newsom declared a state of emergency for the State of California. On March 16, 2020, the nine counties in the San Francisco Bay Area, including Santa Clara County and San Mateo County, issued an order ("Public Health Order") requiring residents to shelter in place starting on March 17, 2020 in order to slow the spread of the COVID-19 virus. The local health orders have been modified and amended from time to time during the duration of the COVID-19 pandemic.

The attached Resolution ends the period in which the District operated under the existence of a local emergency.

During the local emergency, the General Manager took certain actions, including emergency purchases of Personal Protective Equipment for employees, modification of certain operational protocols such as prohibiting field employees from sharing vehicles, implementation of new state and federal COVID-19 sick and family leave laws, telecommuting for administrative office employees, health screening, and various facility, trail, and program closures and modifications in order to ensure that the District operated in compliance with the Public Health Order. Below is a more detailed summary of some of the actions taken by the General Manager in response to the COVID-19 emergency and consistent with her authority:

- Moved most business operations to an online/virtual/telephone format, including public Board and Committee meetings.
- Delayed project schedules and modified performance timelines for contractors working on non-essential District infrastructure projects.
- Ordered Rangers to close heavily-trafficked Preserves (Rancho San Antonio; Mount Umunhum) when parking areas filled up, designated one-way trails where appropriate, and posted signs reminding Preserve visitors to wear a mask and follow other appropriate safety measures and social distancing as required by the Governor and local health officers.
- Approved telecommuting for eligible employees.
- Placed certain employees on administrative leave who were unable to telecommute during early shelter-in-place orders.
- Granted appropriate leaves for COVID-19 self isolation, testing, family care, and vaccination as provided for in federal and state laws.
- Eased prerequisites for employee sick leave donations that support the “catastrophic leave bank”.

During the local emergency, the General Manager discharged her duties consistent with the authority granted by the Board. She also periodically reported her actions to the Board during regular meetings. The proposed Resolution would terminate the emergency and no further emergency actions would occur in response to COVID-19 without appropriate Board approvals. The termination also supports the General Manager’s transition plan to return to new normal business operations, including the transitioning of office staff back to in-person office work and holding hybrid Board and Committee meetings where members of the public can attend and provide comments in-person and remotely.

## **FISCAL IMPACT**

The fiscal impacts of the ongoing local emergency have not yet been quantified. Costs related to loss of productivity may prove difficult to quantify. The General Manager has been tracking hard costs incurred related to the COVID-19 emergency that may be reimbursable through the state and federal government, which currently total over \$500,000.

## **BOARD AND COMMITTEE REVIEW**

On April 6, 2020, the Board considered and adopted a Resolution proclaiming a local District emergency due to the COVID-19 pandemic. At this same meeting, the Board authorized the Board President to appoint three Directors to work with the General Manager on timely COVID-19 response needs as part of a COVID-19 Ad Hoc Committee, received a report on actions made and planned by the General Manager to address the emergency, adopted a second Resolution affirming the importance of access to open space during the public health orders while recognizing the need to protect the health and safety of employees and visitors, and directed the General Manager to keep the Board informed of changes made under the local emergency and to forward public comments on a timely basis (refer to Board Agenda Item [R-20-32](#); and Board [Minutes](#) for more information).

## **PUBLIC NOTICE**

Public notice was provided as required by the Brown Act.

**CEQA COMPLIANCE**

This item is not a project subject to the California Environmental Quality Act.

**NEXT STEPS**

The termination of the local emergency does not mean that the threat of the virus and virus variants are not still present. The state Department of Public Health and local health departments believe that the ability to manage the care of those impacted will not risk the stability of the local health system. Therefore, the General Manager will continue to manage the administration of the District consistent with applicable state and local orders related to the COVID-19 pandemic.

**Attachments:**

1. Resolution Terminating Local Emergency

Responsible Department Head:

Ana Ruiz, General Manager

Prepared by:

Hilary Stevenson, General Counsel

Staff contact:

Ana Ruiz, General Manager

Hilary Stevenson, General Counsel

**RESOLUTION NO. \_\_\_\_****RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
MIDPENINSULA REGIONAL OPEN SPACE DISTRICT TERMINATING  
THE LOCAL EMERGENCY CAUSE BY THE COVID-19 PANDEMIC**

**WHEREAS**, the California Emergency Services Act, Chapter 7 of the California Government Code commencing with section 8550, confers upon the governing bodies of political subdivisions of the state emergency powers necessary to protect health and safety and preserve lives and property; and

**WHEREAS**, the definition of “political subdivision” in California Government Code section 8557(b) includes special districts such as the Midpeninsula Regional Open Space District (“District”); and

**WHEREAS**, on March 4, 2020, the Governor of California declared a state of emergency for the State of California, related to the COVID-19 health emergency, that included a waiver of the 30-day renewal requirement for a local emergency; and

**WHEREAS**, nine counties within the San Francisco Bay Area, including Santa Clara County and San Mateo County, within which the District’s jurisdictional boundaries are situated, jointly declared a local public health emergency and a Shelter in Place Order (“Shelter in Place Order”) effective March 17, 2020; and

**WHEREAS**, the conditions of extreme peril to the safety of persons and property within the District caused by the COVID-19 public health emergency necessitated that the Board of Directors declare the existence of a local emergency for the Midpeninsula Regional Open Space District on April 6, 2020, with the expectation that such emergency would continue until the Santa Clara County and San Mateo County Health Departments terminated the local emergency; and

**WHEREAS**, the State of California announced that effective June 15, 2021, all industries across the state can return to usual operations with common-sense risk reduction measures such as masking and vaccinations, with limited exceptions; and

**WHEREAS**, the situation resulting from the COVID-19 pandemic is no longer deemed to be beyond the capacity of the District to address through provision of the normal services, personnel, equipment and facilities of the District.

**NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Midpeninsula Regional Open Space District as follows:**

1. The District’s local emergency related to the COVID-19 pandemic is hereby terminated.
2. This Resolution shall take effect immediately upon adoption.
3. A copy of this Resolution shall be forwarded to the Director of the Governor's Office of Emergency Services.

\* \* \* \* \*

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on \_\_\_\_\_, 2021, at a regular meeting thereof, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**ATTEST:**

**APPROVED:**

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Larry Hassett, Secretary  
Board of Directors

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Curt Riffle, President  
Board of Directors

**APPROVED AS TO FORM:**

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Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

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Jennifer Woodworth, District Clerk