

SPECIAL MEETING of the ROSS TOWN COUNCIL  
THURSDAY, MARCH 19, 2020

**1. 8:05 a.m. Commencement. Meeting held by teleconference.**

Mayor Elizabeth Brekhus; Mayor Pro Tempore Julie McMillan; Council Member Beach Kuhl; Council Member Elizabeth Robbins; Rupert Russell; and Town Attorney Benjamin Stock

**2. Posting of agenda.**

Town Manager Joe Chinn reported that the agenda was posted according to government requirements.

**3. Town Council consideration of adoption of Resolution No. 2150 ratifying the Town Council's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (COVID-19).**

Joe Chinn, Town Manager, reported that on Monday, March 16, 2020 the Marin County Department of Public Health issued a public health order for shelter in place. The order is in place for at least three weeks. On Monday afternoon, the Mayor declared a Local Emergency due to impacts of the spread of COVID-19 and by such declaration the Council has seven days to ratify the existence of a Local Emergency. This provides the Town with emergency powers of its codes and State and Federal law, and it will assist in obtaining reimbursements due to the additional costs resulting in this emergency.

Mayor Pro Tem McMillan asked and confirmed with the Town Manager that he and staff will document their time and activities relating to the emergency so reimbursement will be tracked and in place.

Mayor Brekhus questioned what the declaration provides for, including things like construction.

Mr. Chinn said staff has assigned employees who are essential and those that are not essential. Those not essential are not working and those able to work are telecommuting from their place of residence. Regarding construction, every jurisdiction is seeking guidance from the County Public Health Officer and there are certain health and public safety situations allowed.

Mayor Brekhus further questioned the extent of construction, permitting, indoor versus outdoor activities, and other provisions, noting that 70 permits have been pulled in the Town. Council discussion ensued regarding the amount of permits currently underway, outdoor construction, limited exposure conditions, the need to agendize the subject of construction for a future special meeting, social distancing, the definition of a habitable building, the need to review the ordinance's language and clarify the public health order further.

Mr. Stock said the County's Public Health Officer has authority over the Health and Safety Code to direct anyone in the County to do certain things, and the Town's role is somewhat limited as far as enforcement. The Town's Building Department role is to conform to the order's practices.

When talking about what cannot be done, it comes down to the functions of the Town to facilitate these remodels and also on inspections for remodels.

Secondly, each individual has their own liability and decision-making as to how to comply with the order and it is not up to the Council to interpret it for the individual.

Thirdly, there is a part contained in the order about services allowed to be continued for life safety or other essential services for residents. The term "essential services" feeds into the habitability factor the Council has discussed. The Council should weigh in on whether or not to perform inspections which can be clarified and he expects this clarification to be made by the County tomorrow.

Mayor Brekhus pointed to two sections under 10c and 10.9. Section 10c states "construction of housing, in particular affordable housing or housing for individuals experiencing homelessness." It does not state "exclusively" so she questioned if it is construction of housing or not. She sees it as making a house habitable.

She recited the second section relating to plumbers, electricians, exterminators providing service as well as sanitation. Therefore, those projects related to health and safety can be allowed but she suggested holding a special Town Council meeting if the County does not provide clarity.

Mayor Pro Tempore McMillan cited the added need to protect the Town's workers and inspectors, and Council Member Robbins agreed.

Mayor Brekhus asked and Mr. Chinn confirmed that staff is looking into new building technology and they are hoping for the County to further define it and gave examples of essential activities and facilities.

Council Member Robbins asked and confirmed staff had received emails received from the Public Health Officer, and Mr. Chinn agreed to forward them to the Council.

Council Member Robbins cited residents who have gardeners or when a tree permit needs to be pulled when a tree may fall down on a neighbor's play area, which is a safety issue, as well as others.

Mr. Stock suggested convening a special meeting to review the order again, given its ambiguity.

Mayor Brekhus said she can understand wanting to abide by the law and she spoke of her window and door replacement project, noting that she would not want to have to ask people to send pictures in to get things inspected and finalized.

Mr. Chinn said staff is looking at technology related to the inspections.

Mayor Brekhus asked that the agenda item include an item relating to community support services, as she heard from residents that they would like to have mail delivery.

Mr. Chinn stated Police Chief Masterson's email relates to 35 people willing to help to provide services and staff is looking to match those people up.

Erik Masterson, Police Chief, said at this time, it is delivery of food and essential items to senior citizens. This would be covered under the health order, as well as phone or email contact with the elderly and he believes people cannot go outside of what the public health order deems acceptable.

Mr. Chinn cited post office mail as an essential facility and volunteers can be secured for those individuals sheltering in place. In response to Mayor Brekhus's concerns, Mr. Chinn stated staff can post a bulletin that speaks to volunteering for a variety of activities and discussion then ensued regarding the drinking fountains at Ross Common which could be covered and taped to have it non-usable.

Mr. Stock commented that some cities are closing down parks and restrooms because this might put the Town's public works crews at risk.

Mayor Brekhus asked and confirmed with Mr. Chinn that they have porta potties by the Post Office and Ross Common which are being cleaned, and Chief Masterson stated most jurisdictions are installing some washing stations and sanitizing stations with those, but the Town does not have these stations.

Mayor Brekhus suggested the Council consider a special meeting date before the technology component, advertise the volunteer program and discuss the order and how the Town is addressing it and holding a special meeting next week on March 23<sup>rd</sup> or 24<sup>th</sup>.

Mr. Chinn asked that it be pushed out a few days in order for staff to go through and determine the status of the 70+ permits. Staff is also waiting for how much more definition can be provided by the Public Health Department.

Mayor Brekhus agreed to contact the County Health Officer and also reach out to Supervisor Rice. The order affects 7 counties and all jurisdictions need to interpret this county-wide which could take time. She thinks the Town can put in place some guidance and should proceed. She also recognized the time and impacts this causes on Town staff, but she would like a meeting set up on Monday or Tuesday.

Council Member Kuhl suggested Tuesday, March 24<sup>th</sup> and Mr. Chinn suggested Wednesday, given the work on building permits. He said staff is already matching up people with requests for the volunteer program.

Mr. Chinn confirmed with Council Members and Mr. Stock that open time for public expression, specific information using Trakit on categorization, status, address and applicant for construction projects with active permits, and an update on the emergency can be agendaized, as well.

Mr. Chinn reiterated the amount of time needed to put together the information for the meeting, and Council Member Russell recommended giving staff the time to compile the information.

Mayor Brekhus spoke about software access relating to permits, and Mr. Chinn stated the Town does not have an electronic portal at this time for the public to see, and he said he would be meeting with Building staff.

Council Members discussed scheduling Wednesday as a potential meeting date.

Council Member Kuhl asked for a better communication line for the next meeting, as he was having trouble with listening to the meeting comments, and said he would like to be able to come in as the only Council Member since he cannot properly participate with the communication line.

Mr. Chinn agreed to coordinate the meeting to be tentatively held for Wednesday.

Mayor Brekhus opened the public comment period, and there were no speakers.

**Council Member Robbins moved and Mayor Pro Tempore McMillan seconded, to adopt Resolution No. 2150 ratifying the Town Council's Proclamation of the Existence of a Local Emergency due to the Worldwide Spread of the Coronavirus (COVID-19). Motion carried unanimously. (Vote: 5-0).**

**4. Adjournment.**

Mayor Brekhus moved to adjourn the Special Meeting at 9:01 a.m.

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk