



Staff Report

Date: August 13, 2020

To: Mayor McMillan and Ross Town Council

From: Joe Chinn, Town Manager

Subject: Town Council consideration of adoption of Resolution No. 2177 regarding a temporary prohibition of the public and dogs upon the Ross Common to facilitate re-opening and social distancing for Ross School students, faculty, and staff

Recommendation

Town Council approve Resolution No. 2177 temporarily prohibiting the public and dogs on portions of the Ross Common to assist with COVID-19 social distancing regarding use of Ross Common by the Ross School.

Background and discussion

Ross Municipal Code section 8.04.161(a) makes it unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within any portion of The Commons (playing field) as that term is defined in that section. At the July 9, 2020, Council meeting the Town Council adopted Resolution No. 2170 which prohibited dogs upon the entire Ross Common during the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday, except that dogs on leash will be allowed to walk on the outer pathway on the Commons during this timeframe. The Resolution was passed to facilitate social distancing for Ross School and Ross Recreation activities on the Common.

Ross School is requesting that additional temporary restrictions be placed on the Common to allow Ross School to be able to offer in-person instruction once it is safe to do so under State and County Health Orders and guidelines. A copy of their request from Ross School Superintendent Michael McDowell is attached. While the Resolution No. 2170 assisted Ross Recreation in being able to operate socially distanced recreation programs over the Summer, Ross School has stated that it does not do enough to enable the Ross School to safely and effectively operate in-person instruction this school year under COVID-19 Health Orders.

Ross School does not know the date they will be able to be back on campus for in-person instruction. Ross School in-person instruction via a hybrid model could begin as early as

September 8th but could also be delayed for a few months. Ross School will provide the Town a twenty-one day notice of their intent to return to School. This twenty-one day period will begin once Marin County is off the California State Monitoring List for COVID-19 and all local health orders from the Marin County Public Health have been met. This twenty-one day period will allow the school time to prepare staff and students to prepare for re-entry, to ensure stability of the monitoring process, and to minimize major disruptions between distance learning and hybrid learning.

In preparation for the return to in-person instruction, Ross School requests that the Town of Ross prohibit dogs on the Common at least seven days prior to the School re-entry for sanitary reasons. Once in-person instruction begins the School requests that the public be prohibited from using the northern portion of the Common and on the west side of the Common along the blacktop and the pathway on the 6 Redwood side of the Common as shown in in Attachment 3 from 7:30-3:30 p.m. on School days.

Use of Ross Common During COVID-19 Pandemic

On March 16, 2020, seven Bay Area counties, including Marin County, issued a Shelter in Place Order effective beginning March 17, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits. On March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in California Government Code Section 8630. Also, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar Shelter in Place Order, directing all Californians to remain at their place of residence except as necessary for essential activities. In May, the Governor of California and the California Department of Public Health published guidance regarding the reopening of certain businesses, subject to stages established by the State, and provided further guidance on School openings on August 3, 2020.

The Shelter in Place Order required the closure of all in-person learning at schools and in-person recreation programs. Once schools are allowed to reopen, Health Orders will permit schools to operate in-person but under stringent social distancing requirements due to the risk of COVID-19 spread. The social distancing and safety protocols are to assist in the safety of the students, teachers, and staff. In addition, there is an overall emphasis from public health officials and resources that outdoor spaces are safer to utilize than indoor spaces because COVID-19 transmission is much lower outside than inside and in this case outdoor classrooms better allow for maximizing social distancing compared to indoor classrooms. As such, Ross School is looking to utilize outdoor areas on the Common particularly under the trees as well as the School blacktop to a much greater extent this year for instruction, lunches, and other school related activities. Due to the School's proximity to the Common, use of the Common for social distancing would greatly aid in enabling the School to operate while ensuring greater public health and safety. However, the School District, which pays to utilize the Common, are unable to utilize the portion of the Common used by dogs for classroom based instruction, recess, or lunch because of the dogs and the remnants that remain from dog usage which creates a sanitary problem.

Likewise, facilitating social distancing in Ross Recreation classes would require greater utilization of the Ross Common related to after-school programs for school children. Ross Recreation shares the same sanitary issue as the School of using a portion of the Common since the dogs frequently defecate and urinate in this area. In light of this, it is beneficial to the School and Ross Recreation after-school programs to temporarily prohibit dogs on all portions of the Common in order to enable the School and Ross Recreation to utilize a greater portion of the Common.

Ross Municipal Code Regulations of Dogs at Ross Commons

Section 8.04.161 of the Ross Municipal Code prohibits dogs on portions of Ross Common. This section provides in part:

“It is unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within the publicly maintained park area commonly referred to as "The Commons, (playing field)" and more particularly described as that improved lawn area lying completely within the asphalt pathway running the entirety of its southerly and easterly borders, the Ross school's playground on its westerly border, (and the asphalt pathway between the Ross School Multipurpose Room Stage and the area of the crosswalk across from the Post Office on its northerly border); provided, that this prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog or service dog to obtain equal access to such publicly maintained property.”

Pursuant to RMC section 8.04.161, there is a limited area of Ross Common in which dogs are not expressly prohibited. This area includes that portion of Ross Common between the Ross Recreation office and Lagunitas Road. Because dogs are not expressly prohibited in this portion of Ross Common, these areas are heavily used by dogs and dog owners. As mentioned above, at the July 9, 2020, Council meeting the Town Council adopted Resolution No. 2170 which prohibited dogs upon the entire Ross Common during the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday, except that dogs on leash will be allowed to walk on the outer pathway on the Commons during this timeframe. However, the Ross School has requested that the Council consider further limitations to enable the school to allow greater usage of the Common by the Ross School without interference from the general public and dogs to maximize safety and minimize disruptions to teachers, students, and staff during the School day.

The attached Resolution No. 2177 temporarily restricts public use of the northern portion of the Common and other areas on the southwest side of the Common as depicted in Attachment 3 from 7:30-3:30 p.m. on Ross School days and prohibits dogs upon the Ross Common whether on leash or unleashed at any time in order to facilitate social distancing until repealed by the Town Council or upon the termination of the state of emergency regarding COVID-19. The prohibition of the dogs on the Common would begin seven days prior to the School beginning in-person instruction in order to enhance sanitary conditions of the Common before School usage begins. The prohibition of dogs does not apply to a person with disabilities requiring the use of a guide dog, signal dog, or service dog to obtain equal access to the Ross Common.

Fiscal, resource and timeline impacts

Staff time to prepare this report.

Alternative actions

Council could discuss other alternatives.

Attachments

1. Resolution No. 2177
2. Letter from Ross School Superintendent Dr. Michael McDowell received August 5, 2020
3. Aerial map of Common showing areas off-limits to public during School hours
4. Staff Report from July 9, 2020, including Resolution No. 2170 and letters from Ross School Superintendent

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2177

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS REGARDING A TEMPORARY PROHIBITION OF THE PUBLIC AND DOGS UPON THE ROSS COMMON TO FACILITATE RE-OPENING AND SOCIAL DISTANCING FOR ROSS SCHOOL

WHEREAS, California Government Code Section 8630 empowers the Town Council of the Town of Ross to proclaim the existence or threatened existence of a Local Emergency when the Town is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the Town to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Ross Municipal Code section 2.28.060(a)(6)(A)), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the Town Council on March 19, 2020; and,

WHEREAS, on March 16, 2020, the Marin County Health Official issued a County-wide shelter-in-place order that requires individuals to isolate in their places of residence, except as needed for the performance of essential activities; and,

WHEREAS, on March 19, 2020, the Governor of the State of California ("Governor") issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home except as needed to maintain continuity of operations of the critical infrastructure sectors; and,

WHEREAS, in mid-May 2020, the Governor of the State of California and the California Department of Public Health published guidance regarding the opening of certain businesses subject to stages established by the State, and on August 3, 2020, the California Department of Public Health published further guidance for reopening schools; and,

WHEREAS, the Center for Disease Control (CDC) recommends that when congregating in public spaces, people maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, the County of Marin Health and Human Services Department has mandated that when congregating in public spaces, people (with the exception of families and "social bubbles") shall maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, the Town has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses; and,

WHEREAS, in order to protect the health and safety of the Town, the Town wishes to assist people in social distancing in public spaces, including the Ross Common, a public park within the Town of Ross; and,

WHEREAS, on July 9, 2020, the Town Council adopted Resolution No. 2170 temporarily prohibiting dogs upon the Ross Common during the hours of 9:00 a.m. to 4:00 p.m., Monday through Friday, in order to facilitate social distancing;

WHEREAS, the Town wishes to supplement Resolution No. 2170, by further assisting the Ross School and Ross Recreation in utilizing a greater portion of the Ross Common so as to allow for social distancing, and to this end, the Town wishes to temporarily prohibit dogs on all areas of Ross Common once in-person instruction resumes in order to facilitate social distancing, and temporarily restrict public use of the norther portion of the Common and on the west side of the Common along the blacktop and the pathway on the 6 Redwood side of the Common from 7:30 a.m. to 3:30 p.m. to avoid interference from the general public during class instruction; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement said Resolution to protect health, safety, and civil order; and

NOW, THEREFORE, TOWN COUNCIL OF THE TOWN OF ROSS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Dogs Prohibited Upon the Ross Commons in Order to Facilitate Social Distancing. Ross Municipal Code section 8.04.161(a) makes it unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within any portion of The Commons (playing field) as that term is defined in that section. This prohibition shall also be applied to the remaining areas of the Commons during the hours of 9:00 a.m. to 4:00 p.m. Monday through Friday, except that dogs on leash will be allowed to walk on the outer pathway on the Commons during this timeframe. However, seven days prior to the start of in-person Ross School instruction for the 2020-2021 school year, the prohibition contained in section 8.04.161(a) shall be absolute, and applied to all the remaining areas of the Commons, and dogs will no longer be allowed at any time of the day, or on any days of the week.

SECTION 2. Use of Service Dogs. This prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog, or service dog to obtain equal access to the Ross Commons.

SECTION 3. Use by Members of the Public. Once in-person instruction for the Ross School begins on the Commons, no members of the public shall be permitted on the northern portion of the Common and on the west side of the Common along the blacktop and the pathway on the 6 Redwood side of the Common as shown in the attached figure from 7:30 a.m. through 3:30 p.m. on School days.

SECTION 4. Violations of Resolution. Any violation of this Resolution shall constitute an imminent threat to the public health and shall be subject to enforcement pursuant the procedures and provisions set forth in the Ross Municipal Code, including, but not limited to, section 8.04.161(b).

SECTION 5. Effective Date of Resolution. This Resolution shall become effective on the date adopted by the Town Council of the Town of Ross and shall expire when repealed by the Town Council or upon a declared termination of the state of emergency regarding COVID-19 by the Ross Town Council.

SECTION 6. The Town Clerk shall certify the adoption of this Resolution and shall cause a certified Resolution to be filed in the Office of the Town Clerk.

The foregoing Resolution was adopted at the regular meeting of the Ross Town Council held on the 13th day of August 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk



**PUBLIC USE CLOSURE AREA ON
SCHOOL DAYS**

ATTACHMENT 2

AUG 5 2020



**ROSS
School
District**

*A California
Distinguished
School*

*We are an
exceptional learning
community that
connects children
to the world by
keeping their hearts,
minds and actions
at the center
of all we do.*

BOARD OF TRUSTEES

Jeff Bergholt

Chris Ericksen

Josh Fisher

John Longley

Stephanie Robinson

Greetings Mayor and Town Council Members,

As we face one of the most challenging chapters of our lives, I write to request your consideration of supporting the school district in successfully bringing students back to school. Though we do not know the exact date that we will be back on campus, we are preparing for that reality now.

We are requesting that once state and local public health officials have granted Ross School the ability to restart in-person instruction, the Ross Common space colloquially referred to as "The Grove" be reserved for students, staff, and faculty during the school day and that dogs be prohibited from the use of the Ross Common completely. We believe that by moving the dog park to the outdoor area next to the Ross Post Office, community members will still have access to a local area for their pets. We need the natural shade of "The Grove" for students and staff and we need the area to remain clean. A shared space with dogs is untenable. We simply do not have the supervisory capacity nor the maintenance crew to look after such a space.

Moreover, we are requesting that community members not utilize the Ross Common space, all pathways that cut across the Common area, and pathways that border Ross School between the hours of 7:30-3:30 p.m. on school days. The rationale for these requests includes maximizing safety and minimizing disruptions to teachers, students and staff during the school day.

Our proposal is to provide the Town of Ross with a twenty-one-day notice of our intent to return to Ross School. This twenty-one-day period will begin once Marin County is off the California State Monitoring List for COVID-19 and all local health orders from the Marin County Office of Public Health have been a met. We ask that the Town prohibit the use of dogs in the park at least seven days prior to our re-entry and begin enforcing pathways during school hours to normalize community foot traffic patterns.

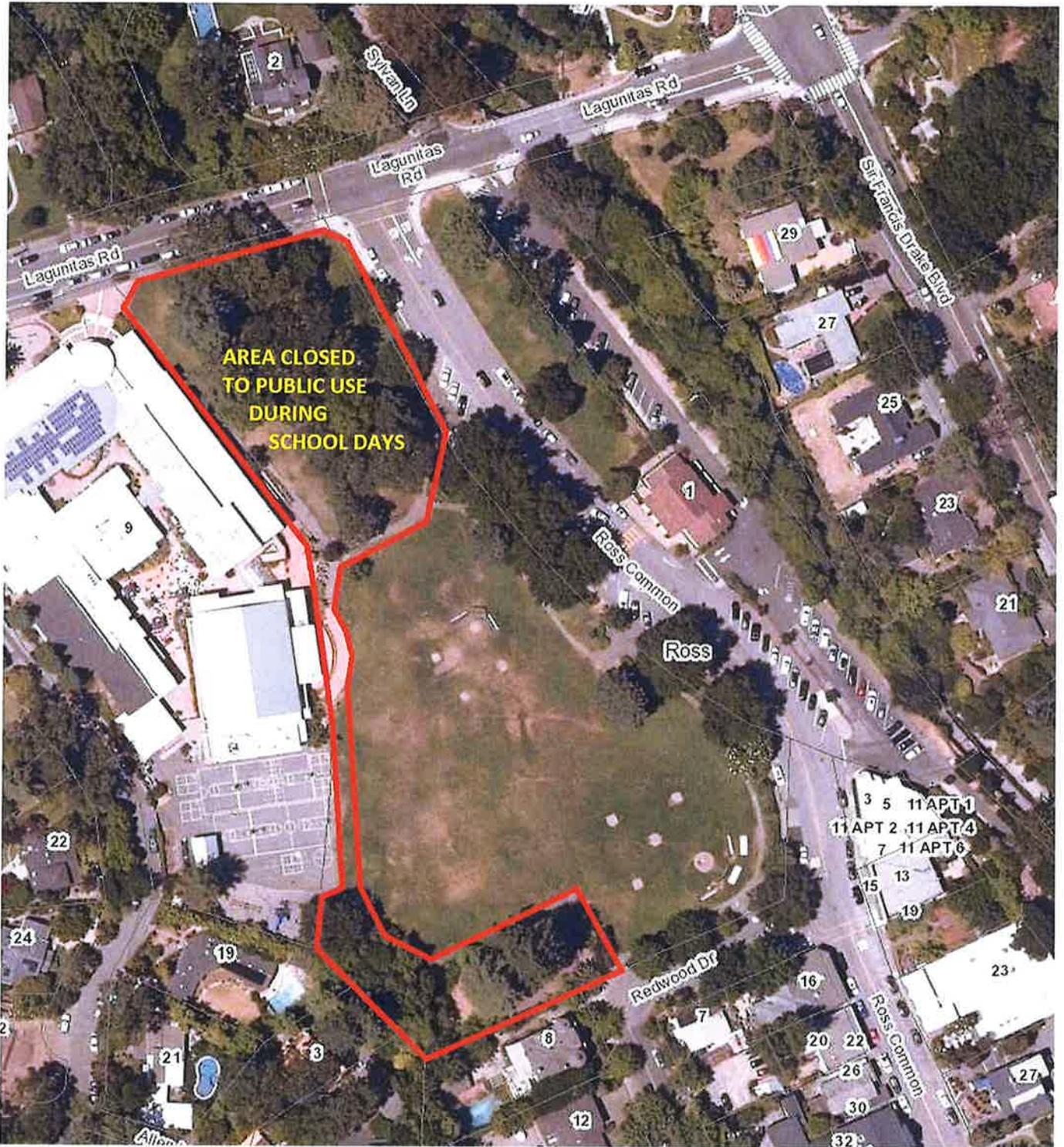
The outdoor classroom strategy is key to our return to learning on campus. The net benefits for children, staff and faculty include:

- Outdoor transmission of COVID-19 is known to be much lower than indoor transmission
- The outdoor classrooms allow us to maximize social distancing between students, cohorts of students and staff that we are unable to mimic indoors.
- Outdoor classrooms are relatively inexpensive compared to other options.
- Outdoor classroom situations are known to have increase student social, emotional, and mental well-being.

Thank you for your consideration of relocating the dog park and minimizing pedestrian crossings during school hours. While I'm supportive of having a space for community members to bring their dogs and socialize with neighbors, I continue to be concerned about the location of the current dog park relative to Ross School. I hope that the Town Council finds an amiable solution that enables community members to enjoy their pastime with their dogs while at the same time provides our school with the space, security, and safety we need to run our programs and services during these dynamic and unprecedented times.

Kind regards,
Michael McDowell, Ed.D.
Superintendent, Ross School District

ATTACHMENT 3



**PUBLIC USE CLOSURE AREA ON
SCHOOL DAYS**

ATTACHMENT 4



Staff Report

Date: July 9, 2020

To: Mayor McMillan and Ross Town Council

From: Joe Chinn, Town Manager
Mike Armstrong, Recreation Manager

Subject: Town Council consideration of adoption of Resolution No. 2170 regarding a temporary prohibition of dogs upon the Ross Common to facilitate social distancing

Recommendation

Town Council approve Resolution No. 2170 temporarily prohibiting dogs on the Ross Common to assist with COVID-19 social distancing regarding use of Ross Common by the Ross School, the Ross Recreation Department, and members of the public.

Background and discussion

The Ross School has requested that the Town consider authorizing the School to utilize additional areas of Ross Common in order to facilitate social distancing. Similarly, The Ross Recreation Department seeks to utilize certain areas of Ross Common in order to facilitate and support socially distanced recreational activities. In order to facilitate these uses, staff requests that the Town Council approve Resolution No. 2170 regarding expanding the areas of Ross Common in which dogs are prohibited. This topic is discussed in further detail below.

Use of Ross Common During COVID-19 Pandemic

On March 16, 2020, seven Bay Area counties, including Marin County, issued a Shelter in Place Order effective beginning March 17, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits. On March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in California Government Code Section 8630. Also, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar Shelter in Place Order, directing all Californians to remain at their place of residence except as necessary for essential activities. In May, the Governor of California and the California Department of Public Health published guidance regarding the reopening of certain businesses, subject to stages established by the State.

The Shelter in Place Order required the closure of all in-person learning at schools and in-person recreation programs. Recent changes to Health Orders now permit schools and recreation programs to operate in-person but under stringent social distancing requirements due to the risk of COVID-19 spread. For example, recreation programs are limited to only twelve participants who need to stay with the same group each day. There are social distancing and safety protocols to assist in the safety of the participants and instructors. In addition, there is an overall emphasis from public health officials and resources that outdoor spaces are safer to utilize than indoor spaces. As such, Ross Recreation classes will be more spread out on the Common in groups of twelve participants over the summer. Similarly, when Ross School opens in August, the School has a strong desire to utilize outdoor areas to a greater extent this coming fall due to COVID-19 including the Common (see attached letter). Due to the School's proximity to the Common, use of the Common for social distancing would greatly aid in enabling the School to operate while ensuring greater public health and safety. However, the School District, which pays to utilize the Common, are unable to utilize the portion of the Common used by dogs for classroom based instruction, recess, or lunch because of the dogs and the remnants that remain from dog usage.

Likewise, facilitating social distancing in Ross Recreation classes would require greater utilization of the Ross Common. Ross Recreation shares the same sanitary issue as the School of using a portion of the Common since the dogs frequently defecate and urinate in this area. In light of this, it is beneficial to the School, Ross Recreation, and the public at large to temporarily prohibit dogs on all portions of the Common in order to enable the School and Ross Recreation to utilize a greater portion of the Common.

Ross Municipal Code Regulations of Dogs at Ross Commons

Section 8.04.161 of the Ross Municipal Code prohibits dogs on portions of Ross Common. This section provides in part:

"It is unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within the publicly maintained park area commonly referred to as "The Commons, (playing field)" and more particularly described as that improved lawn area lying completely within the asphalt pathway running the entirety of its southerly and easterly borders, the Ross school's playground on its westerly border, (and the asphalt pathway between the Ross School Multipurpose Room Stage and the area of the crosswalk across from the Post Office on its northerly border); provided, that this prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog or service dog to obtain equal access to such publicly maintained property."

Pursuant to RMC section 8.04.161, there is a limited area of Ross Common in which dogs are not expressly prohibited. This area includes that portion of Ross Common between the Ross Recreation office and Lagunitas Road. Because dogs are not expressly prohibited in this portion of Ross Common, these areas are heavily used by dogs and dog owners.

For the reasons explained more fully above, this area is well suited for use by the Ross School and the Ross Recreation Department during a period in which social distancing is required so as to allow greater usage of the Common by the Ross School and Ross Recreation without interference from dogs.

At the June 18 Town Council meeting, the Council provided direction for the Town Director of Emergency Services (the Mayor) and the Assistant Director of Emergency Services (the Town Manager) to issue an Emergency Order to temporarily prohibit dogs on the Ross Common during the COVID emergency and to bring the item back to the July 9 Town Council meeting to ratify the temporary prohibition. On June 24, the Director and Assistant Director of Emergency Services signed Emergency Services Order No. 3-2020 temporarily prohibiting dogs upon the Ross Common in order to facilitate social distancing.

The attached Resolution No. 2170 temporarily prohibits dogs upon the Ross Common in order to facilitate social distancing until repealed by the Town Council or upon the termination of the state of emergency regarding COVID-19. The prohibition does not apply to a person with disabilities requiring the use of a guide dog, signal dog, or service dog to obtain equal access to the Ross Common.

Fiscal, resource and timeline impacts

Staff time to prepare this report.

Alternative actions

None recommended.

Attachments

1. Resolution No. 2170
2. Order No. 3-2020
3. Letter from Ross School Superintendent Dr. Michael McDowell dated July 2, 2020
4. Letter from Ross School Superintendent Dr. Michael McDowell received June 4, 2020
5. Correspondence Received

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2170 A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF ROSS REGARDING A TEMPORARY PROHIBITION OF DOGS UPON THE ROSS COMMON

WHEREAS, California Government Code Section 8630 empowers the Town Council of the Town of Ross to proclaim the existence or threatened existence of a Local Emergency when the Town is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the Town to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Ross Municipal Code section 2.28.060(a)(6)(A)), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the Town Council on March 19, 2020; and,

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril and a crippling disaster, which severely impairs the safety of persons or property, have arisen within the Town caused by the virus COVID-19 and its rapid transmission as reported by various local, state and national health organizations; and,

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and,

WHEREAS, on March 16, 2020, the Marin County Health Official issued a County-wide shelter-in-place order that requires individuals to isolate in their places of residence, except as needed for the performance of essential activities; and,

WHEREAS, on March 19, 2020, the Governor of the State of California ("Governor") issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home except as needed to maintain continuity of operations of the critical infrastructure sectors; and,

WHEREAS, in mid-May 2020, the Governor of the State of California and the California Department of Public Health published guidance regarding the opening of certain businesses subject to stages established by the State; and,

WHEREAS, the Center for Disease Control (CDC) recommends that when congregating in public spaces, people maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, the County of Marin Health and Human Services Department has mandated that when congregating in public spaces, people (with the exception of families and "social

bubbles”) shall maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, on June 24, 2020, the Director of Emergency Services of the Town of Ross signed an emergency order temporarily prohibiting dogs upon the Ross Common in order to facilitate social distancing;

WHEREAS, the Town has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses; and,

WHEREAS, in order to protect the health and safety of the Town, the Town wishes to assist people in social distancing in public spaces, including the Ross Common, a public park within the Town of Ross; and,

WHEREAS, in order to accomplish this goal, the Town wishes to assist the Ross School, Ross Recreation, and members of the public, in utilizing a greater portion of the Ross Common so as to allow for social distancing, and to this end, the Town wishes to temporarily prohibit dogs on all areas of Ross Common in order to facilitate social distancing; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement said Resolution to protect health, safety, and civil order; and

NOW, THEREFORE, TOWN COUNCIL OF THE TOWN OF ROSS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Dogs Prohibited Upon the Ross Commons in Order to Facilitate Social Distancing. Notwithstanding Ross Municipal Code section 8.04.161(a), it shall be unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within any portion of Ross Commons. This prohibition shall apply, but not be limited to, all areas of the Commons, including those areas within which dogs were previously not prohibited pursuant Ross Municipal Code section 8.04.161(a).

SECTION 2. Use of Service Dogs. This prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog, or service dog to obtain equal access to the Ross Commons.

SECTION 3. Violations of Resolution. Any violation of this Resolution shall constitute an imminent threat to the public health and shall be subject to enforcement pursuant the procedures and provisions set forth in the Ross Municipal Code, including, but not limited to, section 8.04.161(b).

SECTION 4. Effective Date of Resolution. This Resolution shall become effective on the date adopted by the Town Council of the Town of Ross and shall expire when repealed by the Town Council or upon a declared termination of the state of emergency regarding COVID-19 by the Ross Town Council.

SECTION 5. The Town Clerk shall certify the adoption of this Resolution and shall cause a certified Resolution to be filed in the Office of the Town Clerk.

The foregoing Resolution was adopted at the regular meeting of the Ross Town Council held on July 9, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie McMillan, Mayor

ATTEST:

Linda Lopez, Town Clerk

ATTACHMENT 2

DIRECTOR OF EMERGENCY SERVICES ORDER NO. 3-2020

AN ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
OF THE TOWN OF ROSS REGARDING A TEMPORARY
PROHIBITION OF DOGS UPON THE ROSS COMMON

WHEREAS, California Government Code Section 8630 empowers the Town Council of the Town of Ross to proclaim the existence or threatened existence of a Local Emergency when the Town is affected or likely to be affected by a public calamity; and,

WHEREAS, Government Code Section 8634 empowers the Town to promulgate orders and regulations to provide for the protection of life and property; and,

WHEREAS, pursuant to Ross Municipal Code section 2.28.060(a)(6)(A)), the Director of Emergency Services has declared the existence of a Local Emergency, which Local Emergency has been ratified by the Town Council on March 19, 2020; and,

WHEREAS, the Director of Emergency Services does hereby find that conditions of extreme peril and a crippling disaster, which severely impairs the safety of persons or property, have arisen within the Town caused by the virus COVID-19 and its rapid transmission as reported by various local, state and national health organizations; and,

WHEREAS, the aforesaid conditions of extreme peril warranted and necessitated the proclamation of the existence of a Local Emergency; and,

WHEREAS, on March 16, 2020, the Marin County Health Official issued a County-wide shelter-in-place order that requires individuals to isolate in their places of residence, except as needed for the performance of essential activities; and,

WHEREAS, on March 19, 2020, the Governor of the State of California ("Governor") issued Executive Order N-33-20, which provides that individuals living in the State of California are required to stay at home except as needed to maintain continuity of operations of the critical infrastructure sectors; and,

WHEREAS, in mid-May 2020, the Governor of the State of California and the California Department of Public Health published guidance regarding the opening of certain businesses subject to stages established by the State; and,

WHEREAS, the Center for Disease Control (CDC) recommends that when congregating in public spaces, people maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, the County of Marin Health and Human Services Department has mandated that when congregating in public spaces, people (with the exception of families and "social bubbles") shall maintain a social distance of at least six feet in order to slow the spread of COVID-19; and,

WHEREAS, the Town has an important governmental interest in protecting the health, safety, and welfare of its citizens and businesses; and,

WHEREAS, in order to protect the health and safety of the Town, the Town wishes to assist people in social distancing in public spaces, including the Ross Common, a public park within the Town of Ross; and,

WHEREAS, in order to accomplish this goal, the Town wishes to assist the Ross School, Ross Recreation, and members of the public, in utilizing a greater portion of the Ross Common so as to allow for social distancing, and to this end, the Town wishes to temporarily prohibit dogs on all areas of Ross Common in order to facilitate said social distancing; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to issue and implement said Order to protect health, safety, and civil order; and

NOW, THEREFORE, THE DIRECTOR OF EMERGENCY SERVICES OF THE TOWN OF ROSS DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Dogs Prohibited Upon the Ross Commons in Order to Facilitate Social Distancing. Notwithstanding Ross Municipal Code section 8.04.161(a), it shall be unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within any portion of Ross Commons. This prohibition shall apply, but not be limited to, all areas of the Commons, including those areas within which dogs were previously not prohibited pursuant Ross Municipal Code section 8.04.161(a).

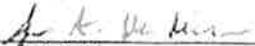
SECTION 2. Use of Service Dogs. This prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog, or service dog to obtain equal access to the Ross Commons.

SECTION 3. Violations of Order. Any violation of this Order shall constitute an imminent threat to the public health and is hereby declared to be a public nuisance and shall be subject to enforcement as such.

SECTION 4. Effective Date of Order. This Order shall become effective on the date signed by the Director of Emergency Services of the Town of Ross and shall expire when repealed by the Town Council or upon a declared termination of the state of emergency regarding COVID-19 by the Ross Town Council.

SECTION 5. The Town Clerk shall certify the adoption of this Order and shall cause a certified Order to be filed in the Office of the Town Clerk.

PASSED and ADOPTED this 24th day of June 2020.

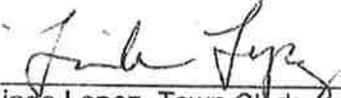


Julie McMillan
Director of Emergency Services, Town of Ross



Joe Chinn
Assistant Director of Emergency Services, Town of Ross

ATTEST:



Linda Lopez, Town Clerk

ATTACHMENT 3



ROSS School District

*A California
Distinguished
School*

*We are an
exceptional learning
community that
connects children
to the world by
keeping their hearts,
minds and actions
at the center
of all we do.*

July 2, 2020

Esteemed Council Members,

As the Ross School District prepares to launch the 2020-2021 school year, we are planning research-based approaches to maximize student and staff safety and ensure high levels of learning for every child. A key component of our plan is to maximize student learning via outdoor spaces within the boundaries of the Ross School District and the Ross Common areas in which we pay a portion of the landscaping and general upkeep of the grounds.

The American Association of Pediatricians argues in their latest report *COVID-19 Planning Considerations: Guidance for School Re-entry* that "Outdoor transmission of the virus is known to be much lower than indoor transmission." As such, the Ross School District has adopted a resolution for installing two large shade structures on the blacktop and the district has purchased enough tents for twelve portable classrooms to be used outdoors. As such, we have invested our financial resources in maximizing outdoor instruction.

For years, the Ross School District has paid for the use of the Ross Common area that is largely shaded. Unfortunately, due to the primary function of this space as a dog park, the Ross School District has been unable to safely utilize this space for outdoor activities, including classroom learning. At the present time, we would argue that it is essential that the space is sanitized from dog remnants and is not utilized by animals for the duration of time the school and the community are facing COVID-19.

BOARD OF TRUSTEES

Jeff Bergholt

Chris Ericksen

Josh Fisher

John Longley

Stephanie Robinson

This next year will undoubtedly be the most challenging school year yet. I appreciate the partnership we as a school have had with the Town Council, local government officials, and the broader community. I ask for the safety of our children, staff, and faculty that this area be designated for school and community use as a place of learning.

Kind regards,
Michael McDowell, Ed.D.

P.O. Box 1058
9 Lagunitas Rd.
Ross, CA 94957
(415) 457-2705
fax (415) 457-8923
www.rosslearns.org

ATTACHMENT 4



**ROSS
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Greetings Mayor and Town Council Members,

This is the first letter I have written to the Town of Ross regarding a perspective and endorsement of an agenda item. As such, I do not take the submission of this letter lightly and understand that it may be unpopular to some of our community and council members. My intent is to find a solution to ensuring community access to space for their pets and that our students are safe and are able to access the Ross Common before, during and after to school to the greatest extent possible.

My core charge as the Superintendent of Ross School is to ensure student safety and student learning. As an elementary school district, we have many young children traversing the park and sidewalks to and from school. There are numerous dogs that are unleashed that come in close proximity to children. We often have children express their fears and anxiety of coming into school because of their interactions with dogs. Such circumstances are not conducive to preparing children for learning at high levels.

The Ross School administration and staff have always found the dog owners to be cordial and respectful. Yet, the primary function of a dog park and the nature of young children walking to school creates a dynamic that inevitably causes a degree of stress and anxiety for students and potential child injury creating a liability for the Town and potentially Ross School.

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As a school district, we pay to use the Ross Common during school and are often unable to utilize the space because of dogs and the remnants that remain from dog usage in the park for classroom-based instruction, recess, or lunch. Moreover, given our current situation with COVID-19, this space is even more critical for school use next year.

Thank you for your consideration of relocating the dog park in the Town of Ross. While I'm supportive of having a space for community members to bring their dogs and socialize with neighbors, I continue to be concerned about the location of the current dog park relative to Ross School. I hope that the Town Council finds an amiable solution that enables community members to enjoy their pastime with their dogs while at the same time provide our students the opportunity to enter and exit the school without fear and access the Ross Common as a learning space and a place for respite.

Kind regards,

A handwritten signature in black ink, appearing to read "M. McDowell", written in a cursive style.

Dr. Michael McDowell