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Agenda Item: File ID 20-00628 (10:15 A.M.)

Agenda Date: 05/21/2020

2020 MAY 18 P 3:45

CITY OF FRESNO
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL



Information Packet

Agenda Related Item(s) – File ID 20-00628 (10:15 A.M.)

ITEM(S)

File ID 20-00628 (10:15 A.M.) - RESOLUTION - Repealing all City Emergency Orders related to COVID-19

Contents of Supplement: Executive orders 1-16 and Summary of City of Fresno Emergency Orders

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

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SUMMARY OF CITY OF FRESNO EMERGENCY ORDERS

As of May 15, 2020

- **EMERGENCY ORDER 2020-01: RESTAURANTS AND BARS**
 - Prohibits on-premise dining. Allows delivery, drive-thru, and pickup options. Requires bars and taverns to be closed.
- **EMERGENCY ORDER 2020-02: ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO CALLING FOR ALL INDIVIDUALS LIVING IN THE CITY TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS**
 - Original shelter in place order, effective from March 19 through March 31.
 - All persons ordered to shelter in place except for essential activities, essential government functions, or essential businesses.
- **EMERGENCY ORDER 2020-03: PERSONS OVER 65 AND VULNERABLE POPULATION**
 - All businesses or institutions within the City with employees 65 or older, and those classified as vulnerable, are strongly urged to stay home. Provides exceptions.
- **EMERGENCY ORDER 2020-04: CITY PERSONNEL**
 - Authorizes City officials and Directors to allow for modified work schedules and specifies circumstances under which employees who remain home may be required to use leave balances.
 - Orders modification of non-essential City services (processing development permits and entitlements, etc.)
- **EMERGENCY ORDER 2020-05: ATTENDANCE OF CITY PERSONNEL**
 - States all City employees perform essential functions, and clarifies attendance and leave policies for City employees during the emergency.

- **EMERGENCY ORDER 2020-06: CRITICAL SUPPLIES**
 - Deems facemasks, gloves, disinfectant, and hand sanitizer as critical supplies to be centralized and deployed through City Incident Command System.
- **EMERGENCY ORDER 2020-07: TELEWORK BY CITY EMPLOYEES**
 - Grants Department Directors discretion to allow employees to work from home, or terminate authority for an employee to telework.
 - All overtime and leave procedures remain in effect. Departments must have procedure for documenting work hours.
- **EMERGENCY ORDER 2020-08: SHELTER IN PLACE EXTENSION**
 - Extends Order 2020-02 through April 12, 2020
- **EMERGENCY ORDER 2020-09: EMPLOYEE COVID-19 SELF-SCREENING**
 - Requires employees to self-screen for COVID-19 symptoms before entering the work site, and immediately notify their supervisor if exhibiting symptoms.
- **EMERGENCY ORDER 2020-10: RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY**
 - Details the Families First Coronavirus Response Act (FFCRA) leave and other leave available to full time and part time City Employees during the City's declared emergency.
- **EMERGENCY ORDER 2020-11: WAIVER OF CERTAIN RECREATIONAL VEHICLE PARKING RESTRICTIONS**
 - Outlines waiver of certain RV parking regulations for essential workers ordered to self-isolate from their families in an RV.
- **EMERGENCY ORDER 2020-12: ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ADDITIONAL HEALTH AND SAFETY MEASURES FOR MEETINGS IN CITY HALL**
 - Declares all public meetings shall be via web or telephone and City Hall and Council Chambers shall be closed to the public.
- **EMERGENCY ORDER 2020-13: SHELTER IN PLACE – EXTENDED AND EXPANDED**
 - Shelter in place order from April 11 through May 6.
 - Instituted required Social Distancing Protocol.

- **EMERGENCY ORDER 2020-14: NON-CONTACT TEMPERATURE SCREENING AT CITY FACILITIES**
 - Requires individuals entering City work sites be temperature screened, and if above 100.4 degrees, be denied entry.
- **EMERGENCY ORDER 2020-15: TELEWORK BY CITY EMPLOYEES (REVISED)**
 - Expanded requirements for City employees teleworking.
- **EMERGENCY ORDER 2020-16: MODIFIED AND EXTENDED SHELTER IN PLACE FOR A SAFER COMMUNITY INCLUDING PROTECTIVE FACIAL COVERING REQUIREMENTS AND PLANS FOR PHASED RE-OPENING OF BUSINESSES**
 - Current Shelter in Place Order, expiring May 31.
 - Creates new category of “authorized” businesses, in addition to “essential”
 - Requires use of protective facial coverings when visiting businesses and public places
 - Requires businesses to post and follow Social Distancing Protocol

- 8) If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- 9) This Order shall be immediately translated into Spanish and Hmong, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.
- 10) Pursuant to Fresno Municipal Code section 2-512, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

March 17, 2020

Date

2:00pm

Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-02

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO CALLING FOR ALL INDIVIDUALS LIVING IN THE CITY TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS

Date of Order: March 18, 2020

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Shelter in Place. As of 12:01 a.m. on Thursday, March 19, 2020, and continuing through 11:59 p.m. on Tuesday, March 31, 2020, (but subject to extension), as follows:
 - 1.1. The intent of this Order is to ensure the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

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- 1.5.4. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.
- 1.5.5. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- 1.5.6. To care for a family member or pet in another household.
- 1.5.7. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operation" including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operation" also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operation" does not include fitness and exercise gyms and similar facilities.
- 1.5.8. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure," including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- 1.5.9. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.

- at the site where it is provided, or at any other gathering site, with the exception of hospital cafeterias, which may allow for food to be eaten on site;
- 1.6.14. Businesses that supply products needed for people to work from home;
 - 1.6.15. Businesses that supply other essential businesses with the support or supplies necessary to operate, including, but not limited to, waste disposal, recycling and electronics recycling;
 - 1.6.16. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - 1.6.17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - 1.6.18. Home-based care for seniors, adults, or children;
 - 1.6.19. Residential facilities and shelters for seniors, adults, and children;
 - 1.6.20. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
 - 1.6.21. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 1.6.21.1. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
 - 1.6.21.2. Children shall not change from one group to another.
 - 1.6.21.3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 1.6.21.4. Childcare providers shall remain solely with one group of children.
- 1.7. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
- 1.7.1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - 1.7.2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- 1.8. For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.



WILMA QUAN
City Manager

FROM THE OFFICE OF THE CITY MANAGER:

**EMERGENCY ORDER 2020-03
PERSONS OVER 65 AND VULNERABLE POPULATION**

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. For all businesses and institutions within the City of Fresno with employees 65 years of age or older and those who are classified as vulnerable to COVID-19 by the CDC, you are strongly urged to release those employees to stay at home.
2. Per the CDC guidelines, residents who are 65 years of age or older and those who are classified as vulnerable to COVID-19 by the CDC are strongly urged to please stay home and away from other people that are not family members.
3. The following employees are exempt from this order:
 - 3.1. Healthcare professionals
 - 3.2. Public safety first responders, support staff, and other essential emergency response personnel
 - 3.3. Sole proprietors of any business that is permitted to remain open
 - 3.4. Those who work in critical infrastructure sectors, including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services)
 - 3.5. Those who perform essential government functions, meaning services needed to ensure the continuing operation of the government agencies and provide for the health, safety, and welfare of the public

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4. This Order shall not prohibit anyone from working from home or participating telephonically or electronically from home in any business activity.
5. The Fresno Police Department and City Attorney's Office Code Enforcement Division shall enforce this Order.
6. The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
7. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
8. This Order shall be immediately translated into Spanish and Hmong, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.
9. Pursuant to Fresno Municipal Code section 2-512, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

March 18, 2020

Date

11:58am

Time



WILMA QUAN
City Manager

FROM THE OFFICE OF THE CITY MANAGER:

EMERGENCY ORDER 2020-04
CITY PERSONNEL

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

- 1) City employees who are directed by this Order or their appointing authority to remain home shall not be required to expend accrued leave time or take leave without pay.
- 2) City employees who elect to stay home, with approval of their appointing authority, for health, childcare, or other family care reasons, may utilize any accrued leave balance for that purpose; if all leave balances are exhausted, then the employee may "borrow" against future leave balance accruals for leave taken during the emergency. City staff shall prepare procedures and regulations to implement this provision.
- 3) City officials and department directors, or their designees, shall have full authority to provide for modified work schedules, including, but not limited to, hours of work, and days off for employees or direct employees to "work out of class" as deemed necessary to enforce this Order, the Fresno Municipal Code, California law, and public health and necessity.
- 4) Non-essential City services shall be modified, including and processing of development applications, permits, and entitlements.
- 5) The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
- 6) If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
- 7) This Order shall be immediately translated into Spanish and Hmong, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

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City Personnel
March 18, 2020
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8) Violations of this order shall be punishable pursuant to Fresno Municipal Code section 3-286.

IT IS SO ORDERED.

Director of Emergency Services



March 18, 2020

11:59am

Wilma Quan
City Manager

Date

Time



WILMA QUAN
City Manager

FROM THE OFFICE OF THE CITY MANAGER:

EMERGENCY ORDER 2020-05

ATTENDANCE OF CITY PERSONNEL

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Consistent with Emergency Orders 2020-02 through 2020-04, all City employees provide "Essential Government Functions" and are required to work unless directed or permitted otherwise in this Order. This Order covers all employees, regardless of whether or not they reside in the City of Fresno.
2. Effective Monday, March 23, 2020, all City employees who were previously directed to stay home because they are 65 years of age or older or they are classified as vulnerable to COVID-19 by the U.S. Centers for Disease Control and Prevention (CDC) due to their chronic condition(s), should return to work or will be transitioned to using their own leave balances as set forth in this Order. Employees who followed the directive by remaining home without telework from March 16, 2020 through March 23, 2020, 12:01 a.m., shall receive Administrative Leave with pay for that period.
3. Some City employees may be allowed to telework at the sole discretion of the Department Director and shall shelter in place consistent with the limitations in Executive Order 2020-02 and Governor Newsom's Executive Order N-33-20 (Shelter in Place).
4. If an employee is exhibiting COVID-19 symptoms, they are to follow the instructions of the Fresno County Department of Public Health (FCDPH) or other health authority having jurisdiction. The City will temporarily suspend the application of the disciplinary provisions of attendance policies for all employees who stay home because either the employee or a member of their immediate family exhibits COVID-19 symptoms, or the FCDPH or other health authority having jurisdiction advises the employee or their immediate family to stay home due to self-isolation or school closure. In so doing, such leave will be approved leave and leave shall be utilized as set forth below.

5. An employee who desires to stay home during this emergency may do so using their own leave balances, but must seek approval from their department director or designee.
6. Employees are hereby ordered to inform their immediate supervisor if they have been exposed to COVID-19 or are exhibiting symptoms of COVID-19 as defined by the CDC. Supervisors are hereby directed to report these incidents through their chain of command while keeping medical privacy protocols in place.
7. When an employee needs to take time off because they, or a member of their immediate family is exhibiting symptoms which are consistent with COVID-19, or, according to the CDC is at a higher risk of serious complications or death if they contract COVID-19, the employee is to call out sick under the employee's normal attendance procedures, including use of their leave time, and the disciplinary provisions of attendance policies will not apply.
8. If an employee is already absent from work with an anticipated return date after Emergency Order 2020-02 expires, their current leave status does not change as a result of this policy.
9. If an employee is already absent from work with an anticipated return date during the Emergency Order 2020-02, their current leave status changes as of the stated return date of the employee.
10. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
11. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
12. Employees who violate this Order may be subject to disciplinary action, up to and including termination.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

March 20, 2020

Date

2:30pm

Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-06

CRITICAL SUPPLIES

Effective immediately, all City supplies, with the exception of Police and Fire, deemed critical for halting the spread of COVID-19 are to be centralized and deployed through the Incident Command System (ICS). The list of supplies deemed as critical will be updated and provided to all Directors. For additional information, please contact Aaron Aguirre at (559) 908-7197.

Supplies deemed critical: (list will be updated as needed)

- Face Masks
- Nitrile Gloves
- Disinfecting solutions and wipes
- Hand sanitizer

IT IS SO ORDERED.

Director of Emergency Services

Wilma Quan
City Manager

March 24, 2020

Date

8:00am

Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-07
TELEWORK BY CITY EMPLOYEES

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Department directors have discretion to allow an employee or groups of employees to telework from their home or other approved location, and may terminate or suspend telework of an employee at their discretion. Department directors should, if practical, give employees advance notice if a decision is made to terminate or suspend telework.
2. Telework will not change the terms and conditions of employment or the employee's required compliance with City and department policies. The total number of hours an employee is expected to work each workweek will not change, and the employee shall be available by phone, e-mail, text, web-conferencing and/or instant messaging during work hours. Requirement for pre-authorization to work overtime hours, or other timekeeping procedures remain in effect and employees must report their absence from work in the same way they would if reporting to their regular worksite. All City or departmental procedures for requesting and using accrued leave, including for leave for illness or vacation, shall apply.
3. Departments must ensure that procedures are in place to document the work hours of employees who telework, in particular ensuring compliance with the Fair Labor Standards Act (FLSA), personnel rules, the Salary Resolution, and any applicable Memorandum of Understanding (MOU), unless otherwise permitted during this emergency.
4. Employees may be required to report to their regular worksite or other specified location as needed for regularly scheduled work-related meetings or other events, or to appear telephonically, as determined by the department director.
5. Employees are responsible for maintaining the alternative work location in a safe condition, free from hazards or other dangers and remain responsible for injuries to third parties and/or members of the employee's family on the employee's premises.

City of Fresno

1989 821

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6. City-owned equipment provided to the employee for telework, shall be used only for legitimate City purposes by authorized employees and maintained, serviced and repaired by the City. City Informational Services Department (ISD) staff will not go to employees' homes to install or troubleshoot City equipment. Employees are responsible for protecting City-owned equipment from theft, damage and/or unauthorized use.
7. Employees who telework must take all precautions necessary to ensure the security of confidential and propriety information and unauthorized access to City or customer data is prevented, including complying with City approved security procedures in order to ensure confidentiality and security of data.
8. Employees who telework must also comply with all applicable City and department protocols for maintenance, security, retention, and disposal of all records maintained in the ordinary course of City business to assure compliance with the California Public Records Act and litigation hold/evidence preservation notices.
9. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
10. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
11. Employees who violate this Order may be subject to disciplinary action, up to and including termination.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

March 25, 2020

Date

11:30am

Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-08
SHELTER IN PLACE EXTENSION

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO CALLING FOR ALL INDIVIDUALS LIVING IN THE CITY TO SHELTER AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS

1. Emergency Order 2020-02 is hereby extended through 11:59 p.m. on April 12, 2020.
2. All other terms of Order 2020-02 shall remain unchanged.

IT IS SO ORDERED.

Director of Emergency Services

Wilma Quan
City Manager

March 26, 2020

Date

10:30am

Time

City of Fresno

353-4111

43830



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-09

EMPLOYEE COVID-19 SELF-SCREENING

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. The Fresno County Department of Public Health (FCDPH) has issued an order that requires all employers to screen all employees for febrile respiratory illness on a daily basis, effective immediately. Febrile respiratory illness is defined as "a new, worsening episode of either cough or shortness of breath, presenting with fever (100.4 degrees) or chills in the previous 24 hours."
2. Employees shall use the provided screening tool and self-screen for COVID-19 symptoms prior to entering the work site for every assigned work shift. By self-screening and coming to work, employees are verifying that they are in compliance and not exhibiting symptoms.
3. Employees shall immediately notify their supervisor if they are exhibiting COVID-19 symptoms.
4. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
5. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
6. Employees who violate this Order may be subject to disciplinary action, up to and including termination.

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Emergency Order 2020-09
Employee COVID-19 Self-Screening
March 30, 2020
Page 2 of 2

IT IS SO ORDERED.

Director of Emergency Services

A handwritten signature in blue ink, appearing to read "Wilma", is written over a horizontal line.

Wilma Quan
City Manager

March 30, 2020
Date

8:00 a.m.
Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-10
RELATING TO EMPLOYEE LEAVE/PAY DURING EMERGENCY

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. In order to prevent the transmission of COVID-19 and in accordance with the Mayor's Proclamation of a Local Emergency on March 16, 2020, and with the State of California and Local Health Department directives, which includes the Governor's COVID-19 directives, some City employees have been impacted by a reduction in City services, the need to care for a child due to school closures, the need to care for an individual related to COVID-19, or the necessity to isolate due to age or a health condition.
2. Pursuant to Local and State Directives, City of Fresno Employees perform essential services necessary to maintain the public health, safety and welfare.
3. Notwithstanding anything that may be to the contrary in this Order, during the declared local emergency, all employees of the City are considered Disaster Service Workers and may be called to report to work at any time, and may be assigned to perform any duty of the City.
4. To the extent possible without compromising the maintenance of essential City services, the City will provide such leave benefits outlined and expressed by the Families First Coronavirus Response Act (FFCRA) or other accrued paid leave. The leave benefits outlined herein will be available commencing on April 1, 2020. See **Exhibits A and B**.
5. The Director of Emergency Services reserves the right to order any City Employee to work in order to maintain the public, health, safety, and welfare, even if such employee is currently on an approved leave that is not protected by another statute such as FMLA/CFRA. When ordered to return to work the employee will be performing essential governmental services. Such employee will not be considered an emergency responder for the purpose of being considered an exempt employee under the FFCRA unless they directly perform or support

emergency responder work. Other than for the exemption from the FFCRA, an employee will not be considered an emergency responder, unless previously designated as such, and shall not be entitled to, or have the ability to claim entitlement to, any other benefits, rights or status as provided to emergency responders under other laws, MOU's, regulations, policies or agreements.

6. All leave/pay provided for under this Order must be approved and coordinated through each Employee's supervisor. The Director of Emergency Services may delegate to the Department Heads determinations regarding which employees are necessary to maintain the public, health, safety, and welfare, as provided for in Section 5 above.
7. Beginning April 1, 2020, having been approved by the Employee's supervisor, Employees unable to work or Telework as a result of COVID-19 may use the leave benefits outlined in this Order.
8. City Employees who are required to remain home and who are not ill during this Emergency should attempt to Telework if possible and if approved. Such employees shall adhere to Emergency Order 2020-07.
9. City Employees impacted by Shelter in Place orders will be assessed to determine the following:
 - a. The employee's role in fulfilling essential services for the City.
 - b. The ability of the employee's tasks to be completed either via teleworking, an alternative schedule, or other method to provide the essential service.
 - c. These employees, unless ill, may be required to report to work regardless of other factors which would otherwise qualify them for leave.
10. City Employees who are not ill, who are found to be fulfilling essential services and for which work is available, will be required to work, either at the City or by Telework, unless permitted to stay home in this Order.
11. For purposes of the emergency leave/pay application, the following definitions will apply:
 - a. Telework – the practice of working from home or other approved location in accordance with the Emergency Telework Guidelines outlined in Emergency Order 2020-07;
 - b. Full-time Employee – for the purposes of this policy, a Full-time employee is a regular employee within the competitive service, or a contract employee whose regular schedule is 40 hours per week;
 - c. Part-time Employee – for the purposes of this policy, a Part-time employee is an employee holding a permanent position for which the regularly scheduled work week is less than 40 hours per week;
 - d. Temporary Employee – for the purposes of this policy, a Temporary employee is an employee appointed to a limited position in City service.
 - e. COVID Leave – Leave as outlined in FFCRA - Emergency Paid Sick Leave Act time or the equivalent as outlined below amounting to 80 hours (or 112 hours for a 56-hour

employee) of paid time as provided by the FFRCA. A City Employee will only be entitled to the 80 hours (or 112 hours if applicable) once, regardless of the qualifying reasons that may apply;

- f. Emergency FMLA – Leave as outlined in FFRCA - Emergency Family Medical Leave Act time, and without compromising essential services of the City for emergency responders, an employee needs to care for a dependent child due to a school or daycare closure;
 - i. For purposes of this leave, dependent child is a biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is under the age of 18 or 18 or older and who is incapable of self-care because of a mental or physical disability.

12. Leave/Pay:

- a. For any City Employee who is quarantined or isolated as the result of a federal, state or local directive, and who is not able to Telework or is only able to Telework for a portion of their regular schedule, shall be eligible to receive COVID Leave and other leaves/pay as follows:
 - 1) A Full-time Employee will receive 80 hours of COVID Leave to be used for those hours in which the employee is unable to work or Telework up to \$511/per day and no more than \$5,110 in the aggregate. Thereafter, the Full-time Employee will be eligible to use sick leave or other accrued leave as applicable. Once the Full-time Employee has exhausted all available leaves, the Full-time employee may request a sick/annual leave advance up to 80 hours.
 - 2) A Part-time or Temporary Employee will receive COVID Leave in an amount equal to the average work hours over a two work week period, but in no case will such average exceed 80 hours and up to \$511/per day and no more than \$5,110 in the aggregate. Thereafter, the Part-time or Temporary Employee may utilize accrued leave. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two-week work period.
- b. For any City Employee who is advised by a health care provider to self-quarantine due to COVID-19, who is sick due to COVID-19, or who is experiencing COVID-19 symptoms and awaiting or seeking a medical diagnosis, shall be eligible to receive COVID Leave and other leaves/pay as follows:
 - 1) A Full-time Employee will receive 80 hours of COVID Leave to be used for those hours in which the employee is unable to work or Telework up to \$511/per day and no more than \$5,110 in the aggregate. Thereafter, the Full-time Employee will be eligible to use sick leave or other accrued leave as applicable. Once the Full-time Employee has exhausted all available leaves, the Full-time employee may request a sick/annual leave advance up to 80 hours.
 - 2) A Part-time or Temporary Employee will receive COVID Leave in an amount equal to the average work hours over a two work week period, but in no case will such

average exceed 80 hours up to \$511/per day and no more than \$5,110 in the aggregate. Thereafter, the Part-time or Temporary Employee may utilize accrued leave. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two-week work period.

- c. For any City Employee who is caring for an individual who is quarantined or isolated as the result of a federal, state or local directive, who is sick due to COVID-19, or who is experiencing COVID-19 symptoms and awaiting or seeking a medical diagnosis shall be eligible to receive COVID Leave and other leaves/pay as follows:
 - 1) A Full-time Employee will receive 80 hours of paid sick leave not to exceed \$200 per day and \$2,000 in the aggregate. Employees who use this leave will be able to coordinate other leave benefits in order to make up any loss in pay during use of the 80 hours above. Thereafter, the Full-time Employee will be eligible to use sick leave or other accrued leave as applicable. Once the Full-time Employee has exhausted all available leaves, the Full-time employee may request a sick/annual leave advance up to 80 hours.
 - 2) A Part-time or Temporary Employee will receive COVID Leave in an amount equal to the average work hours over a two work week period, but in no case will such average exceed 80 hours. The dollar amount of this leave shall not to exceed \$200 per day and \$2,000 in the aggregate. Thereafter, the Part-time or Temporary Employee may utilize accrued leave. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two-week work period.
- d. For any City Employee not currently ordered to work as an emergency responder and who is caring for a dependent child, as defined above pursuant to Emergency FMLA, due to a school or daycare closure shall be eligible to receive COVID Leave, Emergency FMLA and other leaves/pay as follows:
 - 1) A Full-time Employee will receive 80 hours of COVID Leave at 2/3 their regular pay in an amount not to exceed \$200 per day and \$2,000 in the aggregate. These 80 hours will run concurrently with the first 10 days of unpaid leave under the FFRCA - Emergency Family Medical Leave Act Time. Thereafter, starting on the 11th day of Emergency FMLA leave, the Full-time Employee will be eligible to use paid Emergency FMLA. During the 10 weeks, the Full-time Employee will be eligible to receive 2/3 of their average monthly earnings not to exceed \$200 per day and \$10,000 in the aggregate. Employees who use this leave will be able to coordinate other leave benefits in order to make up any loss in pay during this time, unless otherwise granted by the Director of Emergency Services due to unique circumstance involving such employee. Thereafter, the employee may use any other accrued leave as applicable.
 - 2) A Part-time or Temporary Employee will receive COVID Leave at 2/3 their regular pay in an amount equal to the average work hours over a two work week period, but in no case will such average exceed 80 hours. The dollar amount of this leave

shall not exceed \$200 per day and \$2,000 in the aggregate. The COVID Leave will run concurrently with the first 10 days of unpaid leave under the FFRCA - Emergency Family Medical Leave Act Time. Thereafter, starting on the 11th day of Emergency FMLA leave, the Part-time or Temporary Employee will be eligible to use Emergency FMLA. During the 10 weeks, the Part-time or Temporary Employee will be eligible to receive 2/3 of their average monthly earnings not to exceed \$200 per day and \$10,000 in the aggregate. Employees who use this leave will be able to coordinate other leave benefits in order to make up any loss in pay during this time, unless otherwise granted by the Director of Emergency Services due to unique circumstance involving such employee. Thereafter, the employee may utilize any accrued leave time.

13. Full-time and part-time employees may be eligible for other State benefits related to disability, paid family leave, and/or unemployment due to a loss or reduction in paid working hours. This information and online applications can be found at: https://www.edd.ca.gov/about_edd/coronavirus-2019/faqs.htm
14. Both COVID Leave and Emergency FMLA will cease to be available after December 31, 2020. Neither leave has any cash value, nor can they be cashed out or banked for later use and are only available due to the special circumstances currently being faced by the City and the Nation.
15. Nothing in this order shall be deemed to confer any contractual obligations, property rights, or assume any City liability.
16. Any Employee who was on leave as of March 16, 2020, or who is placed on leave, for any non-COVID related reason, is not entitled to COVID Leave or Emergency FMLA.
17. Any Employee who violates this Order may be subject to disciplinary action, up to and including termination.
18. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

March 31, 2020

Date

2:30pm

Time

Exhibit A - Full Time Employee Leaves During COVID-19 Emergency Order

| Full-Time Employee Situation | Leaves From March 16-20, 2020 | Effective April 1, 2020 COVID-19 Leave Time | Effective April 1, 2020 after COVID-19 Leave Time is used | Effective April 1, 2020 Emergency Family Leave Act Pay |
|---|--|---|---|--|
| Employee is medically vulnerable and/or age 65+. They are unable to telework for all or part of their workday. | Paid Administrative Leave for hours telework is not available. | Employee may request use of their accrued and available leave banks, or borrow from future Sick/Annual Leave banks if exhausted up to 80 hours. See Emergency Order 2020-05 | Employee may request use of their accrued and available leave banks, or borrow from future Sick/Annual Leave banks if exhausted up to 80 hours. See Emergency Order 2020-05 | N/A |
| Employee is not working or reduced working hours due to closure or reduction of City services. They are unable to telework for all or part of their workday. | N/A | Employees may use their own sick, vacation, personal, or comp time. Once all leaves expended, may request a sick/annual leave advance up to 80 hours. | Employees may use their own sick, vacation, personal, or comp time. Once all leaves expended, may request a sick/annual leave advance up to 80 hours. | N/A |
| Employee is advised to self-quarantine, is sick with COVID-19 or is experiencing symptoms, and/or is awaiting diagnosis. | Employee may use their own sick, vacation, or other paid leave. | Up to 80 hours at regular rate (112 hours for 56-hour Fire Personnel) up to \$511/day and \$5,110 in the aggregate. | Employees may use their own sick, vacation, personal, or comp time. Once all leaves expended, may request a sick/annual leave advance up to 80 hours. | N/A |
| Employee is <u>caring for an individual</u> who is quarantined or isolated per a directive, who is sick with COVID-19, who is experiencing symptoms and is unable to telework for all or part of their workday. | Employee may use their own sick, vacation, or other paid leave. | Up to 80 hours not to exceed \$200/day and \$2,000 total. Can coordinate with other leaves to make up difference to reach full pay. | Employees may use their own sick, vacation, personal, comp time or family compassion. Once all leaves expended, may request a sick/annual leave advance up to 80 hours. | N/A |
| Employee is <u>caring for a dependent child</u> due to closure of school or childcare. | Employee may use their own annual, vacation, holiday or comp time. | Up to 80 hours at 2/3 regular pay not to exceed \$200/day and \$2,000 total. | See Emergency FMLA Column | 1 st 10 days are unpaid, starting on the 11 th day, up to 10 weeks pay at 2/3 regular pay not to exceed \$200/day and \$10,000 total.. |

As Disaster Services Workers, all employees may be required to report to work whether in their usual capacity, or elsewhere in the City as needed, unless otherwise permitted by law. Whenever possible, employees should telework or alter their schedule to continue their duties. Employees on paid administrative leave are expected to be available by phone during regular working hours. The information in this chart is subject to change. See Emergency Order 2020-09 for full order and details.

Exhibit B – Part-time or Temporary Employee Leaves During COVID-19 Emergency Order

| Part-time or Temporary Employee Situation | Leaves from March 16-20, 2020 | Effective April 1, 2020 COVID-19 Leave Time | Effective April 1, 2020 after COVID-19 Leave Time is used | Effective April 1, 2020 Emergency Family Leave Act Pay |
|--|--|---|---|---|
| Employee is medically vulnerable and/or age 65+. They are unable to telework for all or part of their workday | Paid Administrative Leave for hours telework is not available. | Employee may use their accrued and available leave banks, or borrow from future Sick/Annual Leave banks if exhausted up to 80 hours. See Emergency Order 2020-05 | Employee may use their accrued and available leave banks, or borrow from future Sick/Annual Leave banks if exhausted up to 80 hours. See Emergency Order 2020-05. | N/A |
| Employee is not working or reduced working hours due to closure or reduction of City services. They are unable to telework for all or part of their workday | N/A | Employee may use their own accrued leave until expended. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two week period | Employee may use their own accrued leave until expended. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two week period | N/A |
| Employee is advised to self-quarantine, is sick with COVID-19 or is experiencing symptoms, and/or is awaiting diagnosis. | Employee may use any accrued available leave. | Eligible for two weeks pay. Time calculated as the average the employee would normally work in a two-week period, or if their hours vary, it is the average over the past six months. Total hours not to exceed 80) up to \$511/day and \$5,110 in the aggregate. | Employee may use their own accrued leave until expended. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two week period | N/A |
| Employee is caring for an individual who is quarantined or isolated per a directive, who is sick with COVID-19, who is experiencing symptoms and is unable to telework for all or part of their workday. | Employee may use any accrued available leave. | Two weeks hours as calculated above, not to exceed 80 hours. The dollar amount of this leave not to exceed \$200/day and \$2,000 total. | Employee may use their own accrued leave until expended. Part-time employees may request a sick/annual leave advance equal to the average work hours over a two week period | N/A |
| Employee is caring for a dependent child due to closure of school or childcare. | Employee may use any accrued available leave. | Two weeks hours as calculated above, not to exceed 80 hours. The dollar amount of this leave not to exceed \$200/day and \$2,000 total. | | 1 st 10 days are unpaid, starting on the 11 th day, up to 10 weeks pay at 2/3 regular pay not to exceed \$200/day and \$10,000 total. Two weeks pay calculated same as COVID-19 leave time. |

For COVID-19 Leave and Emergency FMLA time for Part-time or Temporary employees, eligible hours is either the average an employee would normally work in a two week period, or the average over the past 6-months. As Disaster Services Workers, all employees may be required to report to work whether in their usual capacity, or elsewhere in the City as needed, unless otherwise permitted by law. The information in this chart is subject to change. See Emergency Order 2020-09 for full order and details.



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-11

WAIVER OF CERTAIN RECREATIONAL VEHICLE PARKING RESTRICTIONS

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Some residents who are classified as essential workers or employees and could be exposed to COVID-19 and may choose to isolate themselves from their families or other occupants of their residence to protect them from possible exposure.
2. "Essential Worker" has the same definition as those individuals designated by the State Public Health Officer as Essential Critical Infrastructure Workers in the list issued in accordance with the Governor's Executive Order No. N-33-20, and any subsequent modifications of that list.
3. "Recreational Vehicle" (RV) is "a mobile, temporary lodging space, usually housed in a motor vehicle or trailer, generally for the purposes of travelling." as defined in Fresno Municipal Code section 15-6802.
4. Notwithstanding any provision of Fresno Municipal Code restricting or prohibiting RV parking on private property and public streets, or the duration of parking on public streets, essential workers who choose to isolate themselves from their families or other occupants of their residence to prevent exposure of COVID-19, and those individuals who were ordered to self-isolate by a doctor or public health official, may park an RV on the street in front of their residence or in the driveway or an improved surface of their property for the purposes of that self-isolation.
5. Any individual wishing to isolate within a recreational vehicle pursuant to this Order shall present one of the following upon request from a peace officer, code enforcement officer, parking enforcement officer, or public health officer:

City of Fresno

(559) 937-1111

1-3620

- a. Documentation from the individual's employer that indicates the individual is in fact working as an essential worker.
 - b. Documentation from a doctor or public health officer ordering the individual to self-isolate away from the other individuals within their normal residence to prevent further exposure to COVID-19.
 - c. Other evidence satisfactory to the officer.
6. Any individual isolating within a recreational vehicle pursuant to this Order shall comply with all health, safety, and welfare directions of the City relating to water, wastewater, gas, and electricity use.
 7. This Order is not a waiver of the parking regulations of recreational vehicles for all individuals within the City. Those who do not qualify under this Order are still subject to the restrictions set forth in Fresno Municipal Code.
 8. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
 9. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
 10. Pursuant to Fresno Municipal Code section 2-512, violations of this Order shall be punishable as a misdemeanor upon conviction by a fine of not exceeding one thousand dollars or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

April 2, 2020
Date

2:00pm
Time



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-12

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ADDITIONAL HEALTH AND SAFETY MEASURES FOR MEETINGS IN CITY HALL

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. All City public meetings, including but not limited to Planning Commission and Council meetings, shall be conducted electronically (web and telephone). The City Information Services Department shall fully implement all feasible measures to allow for remote participation for City officials and the public.
2. City Hall shall be closed to the public during meetings. Council chambers shall be closed. All City officials and employees may participate electronically.
3. The Presiding Officer may provide any further direction before or during the meeting to minimize health and safety risks and accommodate participation.
4. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

Director of Emergency Services

Wilma Quan
City Manager

April 3, 2020
Date

12:30pm
Time

City of Fresno

(559) 321-1111

www.fresno.gov



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-13

SHELTER IN PLACE – EXTENDED AND EXPANDED

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ALL INDIVIDUALS LIVING IN THE CITY TO CONTINUE SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR ESSENTIAL BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY; RESTRICTING ACCESS TO RECREATION AREAS; REQUIRING ESSENTIAL BUSINESSES TO IMPLEMENT SOCIAL DISTANCING REQUIREMENTS; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, in response to the public health threat of COVID-19, I hereby issue the following orders:

1. This Order is effective 12:01am on Saturday, April 11, 2020, and supersedes Emergency Order 2020-02. This Order clarifies, strengthens, and extends certain terms of Emergency Order 2020-02. This order shall remain in effect through 11:59 pm on Wednesday, May 6, 2020, but is subject to extension or modification.
2. This Order is issued in accordance with, and incorporates by reference, the March 19, 2020, Stay at Home Order issued by Governor Gavin Newsom, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 17, 2020, Local Emergency Resolution adopted by the Fresno County Board of Supervisors, and the March 16, 2020, Proclamation Declaring a Local Emergency by Mayor Lee Brand.

City of Fresno

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- 2.1. The intent of this Order is to ensure the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 and mitigate the impact of delivery of critical healthcare services to those in need. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat, menace to public health and constitutes a public nuisance. Egregious or persistent violators are subject to penalties in accordance with state and local laws.
- 2.2. All individuals currently residing within the City are directed to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain Social Distancing Requirements of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined below. Individuals experiencing homelessness are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation). All businesses with a facility in the City, except Essential Businesses (as defined below), should cease all activities at facilities located within the City except Minimum Basic Operations, as defined below. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (e.g., teleworking). All Essential Businesses are strongly encouraged to remain open.
- 2.3. Essential Businesses are directed to maximize the number of employees who telework.
- 2.4. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed retail and wholesale businesses that are otherwise under this order may continue to stock and sell non-essential products.
- 2.5. All Essential Businesses, including, but not limited to retailers, manufacturers and all other Essential Businesses (excluding hospitals) shall prepare and post at each of their facilities at which they are maintaining operations, by no later than 11:59 pm on Wednesday, April 15, 2020, a Social Distancing Protocol at all entrances to facilities in the City of Fresno that are frequented by the public and employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A and must be, at a minimum, 11 inches by 17 inches. All Essential Businesses shall implement the Social Distancing Protocol and, upon demand, provide evidence of its implementation to any

authority enforcing this Order. The Social Distancing protocol must explain how the business is achieving the following, as applicable:

- 2.5.1. Limiting the number of people who can enter the facility at any time to ensure people in the facility can easily maintain a minimum six-foot distance of one another at all times, except as required to complete the Essential Business activity;
 - 2.5.2. Marking a minimum of six-foot increments when establishing areas where individuals line up both inside and outside the business;
 - 2.5.3. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in appropriate areas for use by the public and employees where there is high-frequency interactions between employees and the public;
 - 2.5.4. Providing contactless payment systems, or, if not feasible, disinfecting all payment keypads, pens, and input devices after each use;
 - 2.5.5. Disinfecting high-touch surfaces frequently;
 - 2.5.6. Screening employees and visitors, but not customers, using the County of Fresno Department of Public Health's Non-Medical Screening Form; and
 - 2.5.7. Requiring employees to wear protective facial coverings.
- 2.6. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Order prohibits members of a household or living unit from engaging in Essential Activities together.
- 2.7. Definitions and Exemptions.
- 2.7.1. For purposes of this Order, individuals may leave their residence only to perform any of the following "Essential Activities." But, people at high risk of severe illness from COVID-19 as defined by the CDC and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.
 - 2.7.2. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from their residence.
 - 2.7.3. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet

supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

- 2.7.4. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, bicycling, hiking, or running in compliance with Social Distancing Requirements and with the following limitations:
- 2.7.4.1. Vehicular parking at City of Fresno parks is prohibited.
 - 2.7.4.2. All City of Fresno parks will be closed on Saturday and Sunday, April 11 and 12.
 - 2.7.4.3. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to playgrounds, outdoor gym equipment, picnic areas (including tables and benches), dog parks, and barbecue areas is prohibited outside of residences and all such areas shall be closed to public access by signage and, as appropriate, physical barriers.
 - 2.7.4.4. Use of shared facilities for recreational activities outside of residences, including, but not limited to golf courses, tennis and pickle ball courts, pétanque/bocce courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and all such areas shall be closed to public access by signage and, as appropriate, physical barriers.
 - 2.7.4.5. Any City park facility may be closed for any length of time if it is determined that use of the City park facility cannot be accomplished safely with appropriate social distancing.
- 2.7.5. To attend a funeral with no more than ten individuals present.
- 2.7.6. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- 2.7.7. To care for a family member or pet in another household.
- 2.7.8. For purposes of this Order, individuals may leave their residence to work for or obtain services at any "Healthcare Operation," including hospitals, clinics, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. "Healthcare Operation" also includes

veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operation" does not include fitness and exercise gyms and similar facilities.

- 2.7.9. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of "Essential Infrastructure." This includes, but is not limited to: public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, cemeteries, mortuaries, crematoriums, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Section.
- 2.7.10. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section to the maximum extent possible.
- 2.7.11. For the purposes of this Order, a "business" includes any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- 2.8. For the purposes of this Order, "Essential Businesses" means:
- 2.8.1. Healthcare Operations and Essential Infrastructure;
- 2.8.2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products

- necessary to maintaining the safety, sanitation, and essential operation of residences;
- 2.8.3. Food cultivation, including farming, livestock, and fishing;
- 2.8.4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- 2.8.5. Newspapers, television, radio, and other media services;
- 2.8.6. Gas stations and auto-supply, auto-repair, and related facilities;
- 2.8.7. Banks and related financial institutions;
- 2.8.8. Hardware stores;
- 2.8.9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- 2.8.10. Businesses providing mailing and shipping services, including post office boxes;
- 2.8.11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are maintained;
- 2.8.12. Laundromats, dry cleaners, and laundry service providers;
- 2.8.13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Restaurants, schools and all other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site, with the exception of hospital cafeterias, which may allow for food to be eaten on site;
- 2.8.14. Businesses that supply products needed for people to work from their residence;
- 2.8.15. Businesses that supply other essential businesses with the support or supplies necessary to operate, including, but not limited to, waste disposal, recycling and electronics recycling;
- 2.8.16. Businesses that ship or deliver groceries, food, goods or services directly to residences;

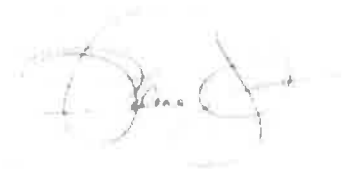
- 2.8.17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- 2.8.18. Home-based care for seniors, adults, or children;
- 2.8.19. Residential facilities and shelters for seniors, adults, and children;
- 2.8.20. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;
- 2.8.21. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 2.8.21.1. Childcare must be carried out in stable groups of 10 or fewer ("stable" means that the same 10 or fewer children are in the same group each day).
 - 2.8.21.2. Children shall not change from one group to another.
 - 2.8.21.3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 2.8.21.4. Childcare providers shall remain solely with one group of children.
- 2.8.22. A more detailed list of essential and non-essential businesses is posted on the City of Fresno's website (www.fresno.gov).
- 2.8.23. For repeated or egregious violations of the required closure, limitations, or social distancing requirements at a business location or facility, a police officer, with the approval of the Police Chief, or designee, or a code enforcement officer, with the approval of the City Attorney, or designee, may summarily order a business to terminate operations and close until further notice, or for the duration of the emergency.
- 2.9. For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
 - 2.9.1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - 2.9.2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- 2.10. For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor

spaces associated with those living structures such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.

- 2.11. For purposes of this order Social Distancing Requirements include, but is not limited to maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not having direct physical contact with anyone who is not a member of their household or living unit.
3. The following City owned or controlled facilities shall remain closed to the public, except for emergency operations authorized by the Director of Emergency Services: Selland Arena, Saroyan Theater, Exhibit Halls, Convention Center, Fresno Chaffee Zoo, Rotary Playland, Storyland, Veterans Memorial Auditorium, the Meux Home, Shinzen Garden, all community centers, and sports facilities, including Granite Park, Southwest Regional, and others.
4. The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
5. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
6. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

April 10, 2020
Date

11:00am
Time

Appendix A: Social Distancing Protocol, Page 1

Business name: _____

Facility Address: _____

Approximate gross square footage of space open to the public: _____

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

MANDATORY SIGNAGE (in addition to posting both pages of this protocol):

- Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any other unnecessary physical contact.
- Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

MEASURES TO PROTECT EMPLOYEE HEALTH (check all that apply to the facility):

- Everyone who can carry out their work duties from home has been directed to do so.
- All employees have been told not to come to work if sick.
- Employees and visitors (but not customers) are screened using the Fresno County Department of Health Non-Medical Employer Screening Form before they may enter the workspace.
- All desks or individual workstations are separated by at least six feet.
- Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:
 - Break rooms: _____
 - Bathrooms: _____
 - Other: _____
- Disinfectant and related supplies are available to all employees at the following location(s):

- Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

- Soap and water are available to all employees at the following location(s):

- Employees are wearing protective facial coverings while working.
- Copies of this Protocol have been distributed to all employees.
- Optional—Describe other measures: _____

MEASURES TO PROTECT CROWDS FROM GATHERING (check all that apply to the facility):

- Limit the number of customers in the store at any one time to _____, which allows customers and employees to easily maintain at least six-foot distance from one another at all practicable times, subject to further direction from the City. Approximately 50% of typical occupancy is a good starting point.
- Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.
- Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

- Optional—Describe other measures: _____

Appendix A: Social Distancing Protocol, Page 2

MEASURES TO KEEP PEOPLE AT LEAST SIX FEET APART (check all that apply to the facility):

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: _____

MEASURES TO PREVENT UNNECESSARY CONTACT (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
- Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe: _____
- Optional—Describe other measures (e.g. providing senior-only hours): _____

MEASURES TO INCREASE SANITATION (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- Employee(s) assigned to disinfect carts and baskets regularly.
- Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- Disinfecting all payment portals, pens, and styluses after each use.
- Disinfecting all high-contact surfaces frequently.
- Optional—Describe other measures: _____

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: _____ **Phone number:** _____



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-14

NON-CONTACT TEMPERATURE SCREENING AT CITY FACILITIES

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Individuals entering City of Fresno facilities shall participate in a non-contact temperature screening as a condition of entry.
2. Temperature screeners shall wear an approved mask, gloves and face shield.
3. Those with an elevated temperature (results at or above 100.4° Fahrenheit, 38° Celsius) shall not be permitted to enter the facility.
4. If the individual with an elevated temperature is a City employee, Risk Management shall be notified and a workgroup risk assessment shall be completed.
5. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
6. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
7. Any Employee who violates this Order may be subject to disciplinary action, up to and including termination.

City of Fresno

1559 321

Emergency Order 2020-14
Non-Contact Temperature Screening at City Facilities
April 22, 2020
Page 2 of 2

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

April 22, 2020
Date

8:00am
Time



WILMA QUAN
City Manager

EMERGENCY ORDER 2020-15
TELEWORK BY CITY EMPLOYEES (REVISED)

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, I hereby issue the following orders, to be effective immediately and for so long as the City's declared emergency is in effect related to COVID-19:

1. Department directors have discretion to allow an employee or groups of employees to telework from their home or other approved location, and may terminate or suspend telework of an employee at their discretion. Department directors should, if practical, give employees advance notice if a decision is made to terminate or suspend telework.
2. Telework will not change the terms and conditions of employment or the employee's required compliance with City and department policies. The total number of hours an employee is expected to work each workweek will not change, and the employee shall be available by phone, e-mail, text, web-conferencing and/or instant messaging during work hours. Requirement for pre-authorization to work overtime hours, or other timekeeping procedures remain in effect, and employees must report their absence from work in the same way they would if reporting to their regular worksite. All City or departmental procedures for requesting and using accrued leave, including for leave for illness or vacation, shall apply.
3. Departments must ensure that procedures are in place to document the work hours of employees who telework, in particular ensuring compliance with the Fair Labor Standards Act (FLSA), personnel rules, the Salary Resolution, and any applicable Memorandum of Understanding (MOU), unless otherwise permitted during this emergency.
4. Employees may be required to report to their regular worksite or other specified location as needed for regularly scheduled work-related meetings or other events, or to appear telephonically, as determined by the department director.
5. Employees are responsible for maintaining the alternative work location in a safe condition, free from hazards or other dangers and remain responsible for injuries to third parties and/or members of the employee's family on the employee's premises.

City of Fresno

City of Fresno, 1000 Fresno Street, Fresno, CA 93700
559) 621-2710

6. City-owned equipment provided to the employee for telework shall be used only for legitimate City purposes by authorized employees and maintained, serviced and repaired by the City. City Informational Services Department (ISD) staff will not go to employees' homes to install or troubleshoot City equipment. Employees are responsible for protecting City-owned equipment from theft, damage and/or unauthorized use.
7. Telework Reimbursements
 - a. Mobile Phone: Employees who telework and are not issued a City of Fresno mobile phone shall be eligible for reimbursement of \$1.00 per day for official City of Fresno business use of a personal mobile phone.
 - b. Home Internet Service: Employees who telework shall be eligible for reimbursement of \$1.00 per day for official City of Fresno business use of existing home internet service.
 - c. Process. The reimbursement amount may not exceed the employee's cost for those services. Employees shall be retroactively reimbursed to the first day they began teleworking, or March 16, 2020, whichever is later. It is the responsibility of the employee to submit a "Travel Advance and Expense Reimbursement Request" form.
8. Employees who telework must take all precautions necessary to ensure the security of confidential and propriety information and unauthorized access to City or customer data is prevented, including complying with City approved security procedures in order to ensure confidentiality and security of data.
9. Employees who telework must also comply with all applicable City and department protocols for maintenance, security, retention, and disposal of all records maintained in the ordinary course of City business to assure compliance with the California Public Records Act and litigation hold/evidence preservation notices.
10. This Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
11. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
12. Employees who violate this Order may be subject to disciplinary action, up to and including termination.

Emergency Order 2020-15
Telework by City Employees
April 27, 2020
Page 3 of 3

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

April 27, 2020

Date

8:00am

Time



WILMA QUAN

City Manager

EMERGENCY ORDER 2020-16

**MODIFIED AND EXTENDED SHELTER IN PLACE FOR A SAFER COMMUNITY
INCLUDING PROTECTIVE FACIAL COVERING REQUIREMENTS AND PLANS FOR
PHASED RE-OPENING OF BUSINESSES**

ORDER OF THE CITY MANAGER OF THE CITY OF FRESNO DIRECTING ALL INDIVIDUALS LIVING IN THE CITY TO CONTINUE SHELTERING AT THEIR PLACE OF RESIDENCE EXCEPT TO PROVIDE OR RECEIVE CERTAIN ESSENTIAL AND AUTHORIZED SERVICES OR ENGAGE IN CERTAIN ESSENTIAL AND AUTHORIZED ACTIVITIES AND WORK FOR ESSENTIAL AND AUTHORIZED BUSINESSES AND GOVERNMENT SERVICES; DIRECTING ALL BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE CITY UNTIL FURTHER NOTICE FROM THE CITY; RESTRICTING ACCESS TO RECREATION AREAS; REQUIRING ESSENTIAL AND AUTHORIZED BUSINESSES TO IMPLEMENT SOCIAL DISTANCING REQUIREMENTS; REQUIRING RESIDENTS TO WEAR PROTECTIVE FACIAL COVERINGS WHEN IN BUSINESSES AND PUBLIC PLACES; AND PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF ANY NUMBER OF INDIVIDUALS.

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, in response to the public health threat of COVID-19, I hereby issue the following orders:

1. This Order is effective 12:01am on Wednesday, May 7, 2020, and supersedes Emergency Order 2020-13. This Order extends and modifies certain terms of Emergency Order 2020-13. This Order shall remain in effect through 11:59pm on Sunday, May 31, 2020, but is subject to extension, rescission or modification.

City of Fresno

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2. This Order is issued in light of evidence that the prior Order has been effective in slowing the spread of COVID-19. This Order modifies certain elements of prior Shelter Orders in accordance with the State of California's "Roadmap to Modify the Stay-at-Home Order," "Update on California's Pandemic Roadmap" and may also include subsequent guidance.
 - 2.1. The intent of this Order is to protect the health of everyone in our community while also providing for the safe phased resumption of economic and other activities. This Order comes after the release of substantial guidance from the Fresno County Department of Public Health, the California Department of Public Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States. All decisions contemplated by this Order will be guided by public health data and the protection of the health of the community.
 - 2.2. This Order adds a third category of "Authorized Businesses" in addition to "Essential Businesses" and "Non-Essential Businesses." Authorized Businesses are generally defined as those businesses and activities which are not considered essential within current generally accepted definitions, but which are still important to the economic and social well-being of the community.
 - 2.3. The first phases of the re-opening of Authorized Businesses will be those considered to be low and lower risk businesses. The second phases of the re-opening of Authorized Businesses will consist of higher risk businesses. Each particular phase of re-opening will be evaluated after two weeks of operation to measure the impacts on public health indicators. Phases may be rolled back if public health indicators show worsening impacts on the community.
 - 2.4. The process for the creation of Authorized Businesses will occur in the following general manner:
 - 2.4.1. The Mayor's Fresno Recovery Committee will make recommendations to the Director of Emergency Services (Director) of the types of businesses that may be included within the first and second phases of re-opening.
 - 2.4.2. The Director will consult with and receive input from the Mayor and City Council, the Emergency Operations Management Team, public health officials, and others and then make a determination of which types of businesses may be considered eligible as Authorized Businesses for individual phases.
 - 2.4.3. The Director shall develop a certification process for Authorized Businesses to provide for the maximum level of Social Distancing, as defined within this Order and with additions that may apply to particular types of businesses. Certification may be provided by approved contractors and will be done in conjunction with Code Enforcement officials.
 - 2.4.4. The Director will announce the date(s) and time(s) when and which Authorized Businesses may safely re-open.

3. This Order is issued in accordance with, and incorporates by reference, the March 19, 2020, Stay at Home Order issued by Governor Gavin Newsom, the March 4, 2020, Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 17, 2020, Local Emergency Resolution adopted by the Fresno County Board of Supervisors, and the March 16, 2020, Proclamation Declaring a Local Emergency by Mayor Lee Brand.
 - 3.1. The intent of this Order is to protect the health of everyone in our community by ensuring the maximum number of people self-isolate in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact of delivery of critical healthcare services to those in need. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times possible comply with Social Distancing Requirements as defined below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat, menace to public health and constitutes a public nuisance. Egregious or persistent violators are subject to penalties in accordance with state and local laws.
 - 3.2. All individuals currently residing within the City are directed to shelter at their place of residence. To the extent individuals are using shared or outdoor places, they must at all times as reasonably possible maintain Social Distancing Requirements of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential and Authorized Activities, Essential Governmental Functions, or to operate Essential and Authorized Businesses, all as defined in this Order. Individuals experiencing homelessness are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation). All businesses with a facility in the City, except Essential and Authorized Businesses (as defined below), should cease all activities at facilities located within the City except Minimum Basic Operations, as defined in this Order. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (e.g., teleworking). All Essential Businesses are strongly encouraged to remain open.
 - 3.3. Use of protective facial coverings is required when visiting businesses and public places, as defined in this Order. Protective facial coverings must not be worn by children under age two, or by anyone with a medical condition that precludes wearing of a mask.
 - 3.4. Essential and Authorized Businesses are directed to maximize the number of employees who telework.
 - 3.5. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that

mixed retail and wholesale businesses that are otherwise under this Order may continue to stock and sell non-essential products.

- 3.6. All Government Buildings, Essential and Authorized Businesses, including, but not limited to retailers, manufacturers and all other Essential and Authorized Businesses (excluding hospitals) shall prepare and post at each of their facilities at which they are maintaining operations, by no later than 11:59pm on Wednesday, May 7, 2020, a Social Distancing Protocol at all entrances to facilities in the City of Fresno that are frequented by the public and employees. For businesses that will be authorized to re-open by the processes described in this Order, the posting is required prior to re-opening. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A Modified and must be, at a minimum, 11 inches by 17 inches. All Essential and Authorized Businesses shall implement the Social Distancing Protocol and, upon demand, provide evidence of its implementation to any authority enforcing this Order. The Social Distancing protocol must explain how the business is achieving the following, as applicable:
 - 3.6.1. Limiting the number of people who can enter the facility at any time to ensure people in the facility can easily maintain a minimum six-foot distance of one another at all times, except as required to complete the Essential and Authorized Business activity;
 - 3.6.2. Marking a minimum of six-foot increments when establishing areas where individuals line up both inside and outside the business;
 - 3.6.3. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in appropriate areas for use by the public and employees where there is high-frequency interactions between employees and the public;
 - 3.6.4. Providing contactless payment systems, or, if not feasible, disinfecting all payment keypads, pens, and input devices after each use;
 - 3.6.5. Disinfecting high-touch surfaces frequently;
 - 3.6.6. Screening employees and visitors, but not customers, using the County of Fresno Department of Public Health's Non-Medical Screening Form; and
 - 3.6.7. Requiring employees to wear protective facial coverings. All customers and all other individuals who enter the business must also wear protective facial coverings. Businesses shall not allow entry of any individual who is not wearing a protective facial covering, except the limited exemption in Section 3.3 of this Order.
- 3.7. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted herein. Nothing in this Order prohibits members of a household or living unit from engaging in Essential Activities together.

3.8. Definitions and Exemptions.

- 3.8.1. For purposes of this Order, individuals may leave their residence only to perform Essential and Authorized Activities. People at high risk of severe illness from COVID-19 as defined by the CDC and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.
- 3.8.2. For the purposes of this Order, "Public Places" shall mean any indoor or outdoor area where contact with individuals from another household may occur, including public transportation and other shared transportation modes.
- 3.8.3. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from their residence.
- 3.8.4. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
- 3.8.5. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Order, such as, by way of example and without limitation, walking, bicycling, hiking, or running in compliance with Social Distancing Requirements and with the following limitations:
 - 3.8.5.1. Vehicular parking at City of Fresno parks is prohibited.
 - 3.8.5.2. All City of Fresno parks will be closed on May, 9, 10, 23, 24 & 25.
 - 3.8.5.3. Any City park facility or amenity may remain closed or be closed for any length of time if it is determined that use of the City park facility cannot be accomplished safely with appropriate social distancing.
- 3.8.6. To attend a funeral with no more than ten individuals present.
- 3.8.7. To perform work providing essential products and services at an Essential and Authorized Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
- 3.8.8. To care for a family member or pet in another household.

- 3.8.9. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operation,” including hospitals, clinics, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operation” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operation” does not include fitness and exercise gyms and similar facilities.
- 3.8.10. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure.” This includes, but is not limited to: public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, cemeteries, mortuaries, crematoriums, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined in this Order.
- 3.8.11. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others performing similar functions working for or to support Essential Businesses are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Governmental Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined in this Section to the maximum extent possible.
- 3.8.12. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- 3.9. For the purposes of this Order, “Essential Businesses” means:
- 3.9.1. Healthcare Operations and Essential Infrastructure;

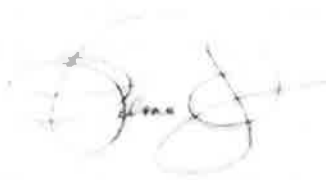
- 3.9.2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
- 3.9.3. Food cultivation, including farming, livestock, and fishing;
- 3.9.4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- 3.9.5. Newspapers, television, radio, and other media services;
- 3.9.6. Gas stations and auto-supply, auto-repair, and related facilities;
- 3.9.7. Banks and related financial institutions;
- 3.9.8. Hardware stores;
- 3.9.9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;
- 3.9.10. Businesses providing mailing and shipping services, including post office boxes;
- 3.9.11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that Social Distancing Requirements are maintained;
- 3.9.12. Laundromats, dry cleaners, and laundry service providers;
- 3.9.13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Restaurants, schools and all other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site, with the exception of hospital cafeterias, which may allow for food to be eaten on site;
- 3.9.14. Businesses that supply products needed for people to work from their residence;

- 3.9.15. Businesses that supply other essential businesses with the support or supplies necessary to operate, including, but not limited to, waste disposal, recycling and electronics recycling;
 - 3.9.16. Businesses that ship or deliver groceries, food, goods or services directly to residences;
 - 3.9.17. Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
 - 3.9.18. Home-based care for seniors, adults, or children;
 - 3.9.19. Residential facilities and shelters for seniors, adults, and children;
 - 3.9.20. Professional services, such as legal or accounting services, when necessary to assist in compliance with legally-mandated activities;
 - 3.9.21. Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:
 - 3.9.21.1. Childcare must be carried out in stable groups of 12 or fewer (“stable” means that the same 12 or fewer children are in the same group each day).
 - 3.9.21.2. Children shall not change from one group to another.
 - 3.9.21.3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 - 3.9.21.4. Childcare providers shall remain solely with one group of children.
 - 3.9.22. A more detailed list of essential and non-essential businesses is posted on the City of Fresno’s website (www.fresno.gov). Authorized Businesses, once determined, will be added to this list.
 - 3.9.23. For repeated or egregious violations of the required closure, limitations, or social distancing requirements at a business location or facility, a police officer, with the approval of the Police Chief, or designee, or a code enforcement officer, with the approval of the City Attorney, or designee, may summarily order a business to terminate operations and close until further notice, or for the duration of the emergency.
- 3.10. For the purposes of this Order, “Minimum Basic Operations” include the following, provided that employees comply with Social Distancing Requirements as defined this Order, to the extent possible, while carrying out such operations:

- 3.10.1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.
 - 3.10.2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- 3.11. For purposes of this Order, residences include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- 3.12. For purposes of this Order, Social Distancing Requirements include, but is not limited to maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, not having direct physical contact with anyone who is not a member of their household or living unit, and wearing protective facial coverings in commercial and public places.
4. The following City owned or controlled facilities shall remain closed to the public, except for emergency operations authorized by the Director of Emergency Services: Selland Arena, Saroyan Theater, Exhibit Halls, Convention Center, Fresno Chaffee Zoo, Rotary Playland, Storyland, Veterans Memorial Auditorium, the Meux Home, Shinzen Garden, all community centers, and sports facilities, including Granite Park, Southwest Regional, and others.
5. The Order shall be subject to amendment or repeal at any time, and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
6. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
7. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City's website.

IT IS SO ORDERED.

Director of Emergency Services



Wilma Quan
City Manager

May 1, 2020

Date

9:00am

Time

Modified Appendix A: Social Distancing Protocol, Page 1 (effective as of May 7, 2020)

Business name: _____

Facility Address: _____

Approximate gross square footage of space open to the public: _____

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

MANDATORY SIGNAGE (in addition to posting both pages of this protocol):

Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any other unnecessary physical contact.

Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

MEASURES TO PROTECT EMPLOYEE HEALTH (check all that apply to the facility):

Everyone who can carry out their work duties from home has been directed to do so.

All employees have been told not to come to work if sick.

Employees and visitors (but not customers) are screened using the Fresno County Department of Health Non-Medical Employer Screening Form before they may enter the work space.

All desks or individual work stations are separated by at least six feet.

Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

Break rooms: _____

Bathrooms: _____

Other: _____

Disinfectant and related supplies are available to all employees at the following location(s): _____

Hand sanitizer effective against COVID-19 is available to all employees at the following location(s): _____

Soap and water are available to all employees at the following location(s): _____

All employees are wearing protective facial coverings while working.

Customers must wear protective facial coverings in order to shop at this business. Customer without facial coverings will be denied entry to this business.

Copies of this Protocol have been distributed to all employees.

Optional—Describe other measures: _____

MEASURES TO PROTECT CROWDS FROM GATHERING (check all that apply to the facility):

Limit the number of customers in the store at any one time to _____, which allows customers and employees to easily maintain at least six-foot distance from one another at all practicable times, subject to further direction. Approximately 50% of typical occupancy is a good starting point.

Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain: _____

Optional—Describe other measures: _____

Modified Appendix A: Social Distancing Protocol, Page 2 (effective as of May 7, 2020)

MEASURES TO KEEP PEOPLE AT LEAST SIX FEET APART (check all that apply to the facility):

- Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- Separate order areas from delivery areas to prevent customers from gathering.
- All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- Optional—Describe other measures: _____

MEASURES TO PREVENT UNNECESSARY CONTACT (check all that apply to the facility):

- Preventing people from self-serving any items that are food-related.
 - Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - Bulk-item food bins are not available for customer self-service use.
 - Not permitting customers to bring their own bags, mugs, or other reusable items from home.
 - Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly.
Describe: _____
 - Optional—Describe other measures (e.g. providing senior-only hours): _____
-

MEASURES TO INCREASE SANITATION (check all that apply to the facility):

- Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
 - Employee(s) assigned to disinfect carts and baskets regularly.
 - Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
 - Disinfecting all payment portals, pens, and styluses after each use.
 - Disinfecting all high-contact surfaces frequently.
 - Optional—Describe other measures: _____
-

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name: _____ **Phone number:** _____