CITY OF SACRAMENTO
Regulatory and Internal Control Framework for the City’s COVID-19 Response

Effective April 2020
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1.0 Purpose of This Document

The purpose of this document is to describe the general regulatory and internal control framework the City of Sacramento will operate under for the City’s COVID-19 response and all COVID-19 related activities. This document is an essential resource for the City as it identifies key COVID-19 regulatory and internal control information that can aid in maximizing the City’s eligibility for State and Federal resources. This document is a general guide for the City to use. For the purposes of this document, COVID-19 refers to the Coronavirus Disease 2019 as defined by the Centers for Disease Control (CDC)1.

2.0 Mayor and City Council Priorities

The Mayor and City Council are the governing body for the City of Sacramento. It is the priority of the Mayor and City Council to protect the public health of the community. The Mayor and City Council are committed to mitigating both the health and economic effects of COVID-19. The Mayor and Council will be establishing priorities and programs to mitigate the economic impacts and making investments in the community to aid in Sacramento’s economic recovery. In doing so, the City will ensure it is done in a manner that is efficient and effective, inspires innovation, and increases the public’s trust.

Priorities and programs will be established by resolution of the Council. Such resolutions, other Council documents relating to the City’s COVID-19 response, and any guidance provided from federal or state entities providing funding for such programs and priorities will be incorporated into this framework in Appendix A.

3.0 Background

3.1 Coronavirus Disease 2019 (COVID-19) Declared a National Emergency

On January 31, 2020, the Federal Health and Human Services Secretary declared a public health emergency to aid the nation’s healthcare community in responding to the outbreak of COVID-19 in the United States.

On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency as a result of the threat of COVID-19 in the State of California.

On March 5, 2020, Sacramento County proclaimed a public health emergency and a local emergency in order to ensure appropriate resources and funding are available to the County in its response to COVID-19.

On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

On March 13, 2020, the Sacramento City Council declared a local emergency in the City of Sacramento, California.

1 According to the Centers for Disease Control (CDC), the Coronavirus Disease 2019 (COVID-19) is an illness caused by a virus that can spread from person to person causing a range of symptoms from mild to severe illness. The most common symptoms of COVID-19 include fever, cough, fatigue, and shortness of breath.
On March 13, 2020, the President of the United States declared the COVID-19 outbreak a national emergency, beginning March 1, 2020.

On March 19, 2020, the Health Officer of the County of Sacramento issued an order directing all persons living in the county to stay at home, except to obtain or provide certain essential services.

On March 19, 2020, Governor Newsom issued Executive Order N-33-20, ordering all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations in critical infrastructure sectors.

On April 7, 2020, the Health Officer of the County of Sacramento issued a second order superseding the March 19, 2020 order. The April 7, 2020 order extended the stay at home period and imposed additional constraints to slow transmission of COVID-19.

3.2 COVID-19 Laws and Regulations
A regulatory framework is the structure of regulations designed to facilitate policy development, regulatory program development and implementation, and regulatory effectiveness and program evaluation.

3.2.1 Coronavirus Aid, Relief, and Economic Security Act (CARES Act)
On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law.

3.2.1.1 Coronavirus Relief Fund
As part of the CARES Act, $150 billion was made available to States, Tribal governments, and units of local government with populations exceeding 500,000. With a population of approximately 508,000, the City of Sacramento became eligible for nearly $90 million from the Coronavirus Relief Fund. On April 15, 2020, the City of Sacramento completed the certification process requesting its share of the Coronavirus Relief Fund. These funds were received on April 21, 2020.

Use of Funds
Payments from the Coronavirus Relief Fund may only be used for costs that: “(1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); (2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.”

Guidance on the use of payment from the Coronavirus Relief Fund was provided by the Federal Treasury, and is available at: https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf.

Oversight Authority
To ensure States and units of local governments use the money dispersed from the Coronavirus Relief Fund appropriately, the CARES Act designated the Inspector General of the Department of the Treasury as the oversight authority. If the Inspector General of the Department of the Treasury determines that a State or unit of local government failed to comply with the use of funds requirements, the amount equal

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2 Section 601 (d) of the Social Security Act as added by Section 5001 of the CARES Act.
to the amount of funds used in violation shall be booked as a debt of such entity owed to the Federal Government.

3.2.1.2. Additional Funding Opportunities Through the CARES Act
In addition to the Coronavirus Relief Fund, the CARES Act provided funding to numerous federal agencies. While some of this funding will be used to support the federal agencies’ response to COVID-19, some funding will pass through the agencies and be offered as grants and other funding that could be utilized by the City. For example, the Department of Commerce’s Economic Development Administration received $1.5 billion for “Economic Development Assistance Programs” to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for necessary expenses for responding to economic injury as a result of coronavirus.

Each pass-through agency will establish its own regulations for use of funds and the City will comply with any and all regulations and requirements for the use of funding awarded to the City.

3.2.2 Federal Emergency Management Agency (FEMA)
The Federal Emergency Management Agency (FEMA) provides financial assistance to states, territories, tribes, local governments, nonprofits, institutions of higher education, and other non-Federal entities. On April 1, 2020, the City of Sacramento applied for FEMA’s Public Assistance program which is a reimbursement program that provides federal funding to help communities respond to and recover from disasters.

3.2.2.1 California’s Office of Emergency Services (Cal OES)
California’s Office of Emergency Services (Cal OES) is responsible for the coordination of overall state agency response to disasters, assuring the state’s readiness to respond to and recover from all hazards, and serves as the pass-through entity for FEMA funding. Additionally, Cal OES assists local governments in their emergency preparedness, response, recovery, and mitigation.

Generally, Cal OES acts as the point of contact for local governments seeking FEMA public assistance. The City will work directly with Cal OES to request Public assistance related to COVID-19.

*Use of Funds*
In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (Stafford Act), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program. *Examples* of costs eligible for reimbursement include:

- Emergency Operation Center costs
- Training specific to the declared event
- Disinfection of eligible public facilities
- Technical assistance to state, tribal, territorial, or local governments on emergency management and control of immediate threats to public health and safety
- Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
- Related medical facility services and supplies
• Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)
• Use of specialized medical equipment
• Medical waste disposal
• Emergency medical transport
• Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines
• Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits
• Movement of supplies and persons
• Security and law enforcement
• Communications of general health and safety information to the public
• Search and rescue to locate and recover members of the population requiring assistance
• Reimbursement for state, tribe, territory and/or local government force account overtime costs

Oversight Authority
The Department of Homeland Security’s Office of the Inspector General provides oversight of FEMA and conducts audits of recipients of FEMA funding. The Inspector General has the authority to question appropriate use of funds and make recommendations for FEMA to recover funds used for expenses deemed ineligible of FEMA public assistance.

3.3 Single Audit Act Amendments of 1996 (Single Audit Act)
The Single Audit Act Amendments of 1996 (Single Audit Act) were enacted to streamline and improve the effectiveness of audits of federal awards expended by states, local governments, and not-for-profit entities, as well as to reduce audit burdens. Amendments include uniform administrative requirements, cost principles, and audit requirements for federal awards found in Chapter 2 of the Federal Acquisition Regulations, Part 200. Single Audits are required when a non-federal entity expends $750,000 or more in federal funds in one year. Single Audits are performed by independent auditors and encompass both financial and compliance components.

3.3.1 What This Means for the City of Sacramento
The City of Sacramento will be subject to future audits of State or Federal funds received by the City; these audits would likely be conducted by an Inspector General’s Office or the Government Accountability Office. The key to successfully withstanding any future audit will be the City’s ability to provide sufficient and appropriate documentation regarding the use of State and Federal funds in response to COVID-19. Adhering to the City’s COVID-19 key internal controls described in the next section will help the City to demonstrate that all State and Federal funds were used appropriately and in accordance with all regulatory requirements.

4.0 COVID-19 Key Internal Controls
Internal controls are processes adopted by an entity’s oversight body, management, and other personnel that provide reasonable assurance that the objectives of an entity will be achieved. Well-developed COVID-19 internal controls will help the City maximize State and Federal funding resources and prevent any fraud, waste, or abuse.
4.1 Types of Internal Controls
There are many different types of internal controls that can be used to provide reasonable assurance that the objectives of an entity will be achieved. Below is a description of the City’s existing regulatory framework and key internal controls utilized by the City of Sacramento.

4.1.1 City Charter
The City of Sacramento City Charter establishes Sacramento as a charter city and outlines the powers and authority of the City Council, Mayor, City Manager, and other appointed officers such as the City Clerk, City Attorney, City Treasurer, and the City Auditor. Examples of key internal controls established in the City Charter can be found in the following sections: (1) Article VII regarding Civil Service; (2) Article IX regarding Fiscal Administration; and (3) Article XIV regarding Public Contracts and Supplies.

4.1.2 City Code
The City of Sacramento City Code establishes local regulations and procedures for items such as revenue and finance, ethics and open government, business licenses and regulations, health and safety, vehicle and traffic, and public services. Examples of key internal controls established in the City Code can be found in the following sections: (1) Chapter 2.16, prohibiting conflicts of interest and providing that any employee violating the prohibitions against conflicts of interest can be disciplined in accordance with the Civil Service Rules; (2) Chapter 2.116, establishing the powers of the Director and Assistant Director of emergency services to act in an emergency; (3) Chapter 3.04, which establishes the City Manager’s authority to approve expenditures; (4) Chapters 3.56, 3.60, and 3.64, which establish rules for the purchase of supplies and services and the construction of public projects; (5) and Chapter 4.02, setting forth the “Sacramento Code of Ethics.”

4.1.3 City Policies and Procedures
The City of Sacramento has developed numerous policies and procedures to guide staff in performing work. Citywide policies ensure consistent practices, while departmental, division, and lower level procedures supplement Citywide policies and guide staff in more granular operations. Examples of key internal controls established in City Policies and Procedures can be found in the following policies: (1) AP 4001, concerning the procurement of supplies; (2) AP 4002, concerning the contracting process for constructing public projects; (3) AP 4101, concerning the procurement of non-professional services; (4) AP 4102, concerning the procurement of professional services; (5) AP 2002, concerning P-Card purchases; (6) AP 4003, the City’s Sustainable Purchasing Policy; (7) the Signing Authority Policy; (8) the Records Management Policy; (9) Council Rules of Procedure; (10) the Development Stabilization Contingency Reserve and Development Services Fund Management Policy; (11) the Budget Control Policy; (12) the Public Records Request Policy; and (13) the Annual Budget Resolution, as amended from time to time. Additional policies and details regarding many of the policies relevant to responding to the COVID-19 emergency are set forth in Section 5.0 below.³

Staff throughout the City regularly review City policies to determine whether any amendments are required and are continuing to do so in light of the current emergency. Revisions to any policies will be approved by the City Manager’s Office or the City Council, as appropriate. Amendments may be necessary to ensure compliance with funding-specific requirements, such as strengthening information

³ These policies, and those listed in Section 5.0, can be found at: https://www.cityofsacramento.org/City-Hall/Policies-and-Procedures, unless otherwise noted.
system controls, ensuring the segregation of duties, and building in appropriate levels of management review, as described below.

4.1.3.1 Conflict of Interest Code adopted pursuant to the Political Reform Act
In addition to the Sacramento Code of Ethics and other conflict of interest policies referenced in sections 4.1.2 and 4.1.3 above, the City has adopted a Conflict of Interest Code pursuant to the Political Reform Act. The City’s Conflict of Interest Code requires employees holding designated positions to disclose their financial interests to help avoid conflicts of interest.

4.1.3.2 Information System Controls
Information system controls are controls within information management systems that deter or prevent unwanted behaviors; the information management system is designed to allow or not allow certain behavior. For example, the City’s payroll processing system prevents an employee from approving their own timesheet. Where applicable, the City of Sacramento will implement information system controls in its COVID-19 response.

4.1.3.3 Segregation of Duties
Segregation of duties is a basic building block of sustainable risk management and internal controls. The principle of segregation of duties is based on shared responsibilities of a key process that disperses the critical functions of that process to more than one person or department. This separation in key processes reduces the risk of fraud and error.

4.1.3.4 Management Review
Management review and approval processes are a standard control in any organization. Management review consists of having supervisors or managers review the work of lower level staff and providing approval before transactions become final. Management review provides a double check to ensure transactions are processed accurately and can serve as a deterrent for fraud, waste, and abuse.

5.0 Key Citywide Personnel and Activities in the City’s COVID-19 Response
The City of Sacramento’s COVID-19 Response will likely entail a wide variety of activities by the City Council, the City Manager’s Office, and all other City staff. The following sections list key personnel who will be engaged in the COVID-19 response, key activities, and key policies that govern these activities.

5.1 Mayor and City Council
In their role as the City’s governing body, the Mayor and City Council will oversee the City’s COVID-19 response. The Council Rules of Procedure is the key policy guiding the Mayor and City Council’s interaction with City staff and procedures for executing the City’s COVID-19 response.

5.2 The City Manager’s Office and Office of Emergency Management (SacOEM)
The City Manager’s Office of Emergency Management (SacOEM) coordinates communication, planning, preparedness, response, and recovery during all hazards affecting the Sacramento community. SacOEM also manages the Emergency Operations Center (EOC), which is staffed with City personnel who are trained to ensure unified, enduring support to first responders and the community for the duration of any disaster. SacOEM staff are knowledgeable of FEMA regulations and will be a key asset in seeking FEMA reimbursement.
5.3 Emergency Medical Services and Public Safety

The Fire Department’s Emergency Medical Services Division facilitates the delivery of Basic Life Support (BLS) and Advanced Life Support (ALS) first responder and transportation services. These emergency medical services will be a key activity in the City’s COVID-19 response. Therefore, the City’s Advanced Life Support (ALS) Revenue Recovery Policy will be important in the City’s COVID-19 response.

5.4 Community and Economic Development

The City’s COVID-19 response will likely encompass both community and economic development. Therefore, the City’s Development Stabilization Contingency Reserve (DSCR) and Development Services Fund Management Policy will be important in the City’s COVID-19 response.

5.5 Human Resources

An integral piece of the City’s COVID-19 response is its use of City staff to accomplish tasks and activities. While many City employees have retained their normal roles and responsibilities in the wake of COVID-19, some employees had to take on new roles and responsibilities as part of the City’s COVID-19 response. It is imperative that City staff track their time spent responding to COVID-19 in a manner consistent with current City policies and agreements. The following table contains the key policies that govern the City’s human resources and payroll practices that could affect the City’s COVID-19 response.

<table>
<thead>
<tr>
<th>Policy or Agreement Name</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Handbook</td>
<td>To provide a summary of the city policies, employee working conditions, and benefits.</td>
</tr>
<tr>
<td>Illness and Injury Prevention Program Procedures</td>
<td>To integrate all of the policies and procedures intended to identify and control occupational hazards.</td>
</tr>
<tr>
<td>Leave Administration</td>
<td>To provide guidance in administering non-industrial leave for eligible employees as required by state and federal law and consistent with Rules and Regulations of the Civil Service Board and labor agreements.</td>
</tr>
<tr>
<td>Nepotism and Conflict of Interest</td>
<td>To avoid conflicts of interest, as well as situations that may impair objective judgment or bias.</td>
</tr>
<tr>
<td>Sick Leave</td>
<td>To ensure consistency with the administration of sick leave throughout the City and is intended to ensure compliance with applicable leave laws.</td>
</tr>
<tr>
<td>Volunteer Coordination</td>
<td>To ensure compliance with rules related to volunteer services</td>
</tr>
<tr>
<td>Telecommuting Program</td>
<td>To allow specified employees to telecommute, subject to supervisor approval</td>
</tr>
</tbody>
</table>

Source: https://www.cityofsacramento.org/City-Hall/Policies-and-Procedures

In addition to the above Citywide policies, the City’s labor agreements govern some human resources and payroll processes. The City’s current memorandums of understanding and letters of understanding can be found at https://www.cityofsacramento.org/HR/Divisions/Labor-Relations/Labor-Agreements.

An additional element that will be paramount in the City maximizing COVID-19 resources, is the sufficient and appropriate documentation of employee time spent on the City’s COVID-19 response. As
such, the City’s Office of Emergency Management released guidance entitled COVID-19 Emergency Response Timesheet Tracking for Personnel for City employees on the proper documentation of time spent working on the City’s COVID-19 response. Additional guidance on use of sick leave amidst COVID-19 is also available.

5.6 Fiscal and Procurement

Many projects or programs related to the COVID-19 response will require the procurement of emergency goods or services. The Department of Finance’s Procurement Services Division is responsible for providing guidance on the purchase of supplies and services and contract administration. The Procurement Services Division manages Citywide contracts; while other City department staff are responsible for contract management for contracts needed by their department. The following table contains the key policies and procedures that govern the City’s fiscal and procurement practices.

Table 2: Fiscal and Procurement Key Policies and Procedures

<table>
<thead>
<tr>
<th>Policy Name</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget Control</td>
<td>To ensure the City makes informed fiscal decisions that take into account the full costs, in terms of dollars and service impacts, of implementing spending increasing during the fiscal year.</td>
</tr>
<tr>
<td>Cash Handling</td>
<td>To provide all City departments with guidelines for handling cash when it is received by a City department for payment of a City debt, deposit, tax, or fee for service.</td>
</tr>
<tr>
<td>Purchase Card Program</td>
<td>To provide guidance for use of the Purchasing Card for making purchases of supplies and services.</td>
</tr>
<tr>
<td>Non-Professional Services</td>
<td>To ensure that all contracting functions are performed in compliance with applicable Federal, State and City laws, regulations, ordinances and policies, to ensure uniform and consistent application of the procurement process, and to ensure fairness, open competition, and competitive pricing.</td>
</tr>
<tr>
<td>Procurement of Supplies</td>
<td>To ensure that all procurement functions are performed in compliance with applicable Federal, State and City laws, regulations, ordinances and policies, to ensure the uniform and consistent application of the procurement process, and to ensure fairness, open competition, and competitive pricing.</td>
</tr>
<tr>
<td>Professional Services</td>
<td>To ensure that all contracting functions are performed in compliance with applicable Federal, State and City laws, regulations, ordinances and policies, to ensure uniform and consistent application of the procurement process, and to ensure fairness, open competition, and competitive pricing.</td>
</tr>
<tr>
<td>Public Project</td>
<td>To ensure that all contracting functions are performed in compliance with applicable Federal, State and City laws, regulations, ordinances and policies, to ensure uniform and consistent application of the procurement process, and to ensure fairness, open competition, and competitive pricing.</td>
</tr>
</tbody>
</table>

4This policy can be found at: [http://www.cityofsacramento.org/HR/Covid19-Faq](http://www.cityofsacramento.org/HR/Covid19-Faq)
In addition to Citywide policies governing procurement practices, Sacramento City Code section 2.16.010 addresses potential conflicts of interest, stating:

“No city employee shall engage in any employment, activity, or enterprise from which the employee receives compensation or in which the employee has a financial interest and which is funded, all or in part, by the city or any city department through or by a city contract unless the employment, activity, or enterprise is required as a condition of the employee’s regular city employment. No city employee shall contract on his or her own individual behalf as an independent contractor with the city or any city department to provide services or goods.”

The City will follow its procurement practices, and any additional requirements imposed by Federal or State funding agencies to expend Federal COVID-19 resources appropriately.

5.7 Documentation
The City of Sacramento maintains City documents in accordance with the City’s Records Management Policy and record retention schedule. Documents created as part of the City’s COVID-19 response should be kept, at a minimum, in accordance with the City’s Records Management Policy; however, the City could be required to maintain documents for longer periods of time to comply with federal funding regulations. The City will maintain COVID-19 documents in compliance with the City’s Records Management Policy and federal funding regulations, whichever is longer.

It should be noted that documents associated with the City’s COVID-19 response could be subject to a Public Records Act request. If a request is made, the City will respond to the request in accordance with the City’s Public Records Request Policy.

5.8 Advice and Counsel
On-going monitoring enables management to assess the effectiveness of controls and detect associated risk issues, improve business processes and activities while adhering to ethical and compliance standards, and execute more timely quantitative and qualitative risk-related decisions.

Office of the City Attorney
The City Attorney’s Office interprets laws and provides guidance on risks associated with various courses of action. The CAO will review proposed projects and actions generated in response to COVID-19 for compliance with federal, state, and local law, guidelines, and policies.

5.9 Independent Review
Office of the City Auditor
The Office of the City Auditor provides independent, objective, and reliable information regarding the City’s ability to meet its goals and objectives, and establish an adequate system of internal controls. In many cases, this involves verifying compliance with laws and regulations, assessing the efficiency and effectiveness of the City’s operations, and identifying internal control weaknesses and failures.
In response to COVID-19, the Office of the City Auditor included the project *Assessments of Revenues and Expenses Associated with the City’s COVID-19 Response* in its fiscal year (FY) 2020-2021 Annual Audit Plan. The plan states, “These assessments will help the City prepare for Federal or State audits of the City’s use of emergency funding. We will provide proactive and real-time assistance in complying with regulatory requirements, securing reimbursements, tracking disaster recovery costs and evaluating whether funds are being used efficiently and effectively.”

As such, the Office of the City Auditor will perform on-going monitoring and assistance to help ensure the City complies with regulatory requirements, maximizes its use of State and Federal resources, and uses funds efficiently and effectively. The Office of the City Auditor will follow its office policies and procedures.5

**Whistleblower Hotline**

In the interest of public accountability and being responsible stewards of public funds, the City of Sacramento established an enhanced whistleblower hotline in 2012. The Whistleblower Hotline allows City employees and members of the public to report potential fraud, waste, and abuse without the fear of retaliation. The hotline protects the anonymity of those leaving tips to the extent permitted by law.6

City employees and residents can use the Whistleblower Hotline to report potential fraud, waste, and abuse related to COVID-19. The hotline has already received COVID-19 related tips and we encourage City employees and residents to continue submitting COVID-19 related tips as the City’s COVID-19 response continues.

The Office of the City Auditor manages the City’s Whistleblower Hotline. Policies and procedures related to the management of the Whistleblower Hotline are included in the Office of the City Auditor office policies and procedures.5 The City’s Whistleblower Protection Policy contains additional information related to the Whistleblower Hotline.

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5 Office of the City Auditor policies and procedures can be found at: [https://www.cityofsacramento.org/Auditor/About-Us/Office-Policies-and-Procedures](https://www.cityofsacramento.org/Auditor/About-Us/Office-Policies-and-Procedures)

6 California State whistleblower regulations can be found at: [https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=53087.6](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=53087.6)
Appendix A: Priorities and Programs Established by Council

Visit https://www.cityofsacramento.org/CARES for information on the City’s use of the Coronavirus Relief Fund.


Additional Coronavirus Relief Fund guidance can be found at: https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf
CARES Act Relief Fund Eligibility Flowchart

Did the impacts addressed by the proposed program occur BECAUSE OF COVID-19?

- YES
  - Is the program for any of these costs?
    - Medical expenses
    - Public health expenses
    - Payroll for public safety/similar employees substantially dedicated to COVID-19 response
    - Compliance with public health orders
    - Support those suffering from economic harm
    - Reasonably related to the function of government
  - NO
    - Nexus Requirement: Would the problem to be addressed by the program have occurred regardless of COVID-19?
      - NO
      - Does it replace City revenue?
        - NO
        - Was it included in the budget as of March 27, 2020?
          - NO
          - Can the City expend the funds by Dec. 30, 2020?
            - YES
              - PROGRAM IS ELIGIBLE
            - NO
          - YES
            - NO
          - YES
            - PROGRAM IS ELIGIBLE
        - YES
          - NO
          - YES
            - PROGRAM IS ELIGIBLE
          - NO
            - PROGRAM IS NOT ELIGIBLE
      - YES
        - NO
          - YES
            - PROGRAM IS ELIGIBLE
          - NO
            - PROGRAM IS NOT ELIGIBLE
Resolution No. 2020-0076 City of Sacramento Actions to Address COVID-19, Related to Utility Delinquency Penalties and Water Shut-Offs

RESOLUTION NO. 2020-0076

Adopted by the Sacramento City Council

March 17, 2020

City of Sacramento Actions to Address COVID-19, Related to Utility Delinquency Penalties and Water Shut-Offs

BACKGROUND:

A. The City of Sacramento is responding to the spread of coronavirus disease 2019 (COVID-19), a respiratory illness first identified in Wuhan, Hubei Province, China, and now being reported internationally, including in the United States.

B. On January 31, 2020, the Federal Health and Human Services Secretary declared a public health emergency to aid the nation’s healthcare community in responding to the outbreak of COVID-19 in the United States.

C. On March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency as a result of the threat of COVID-19 in the State of California.

D. On March 11, 2020, the World Health Organization characterized the COVID-19 outbreak as a pandemic.

E. On March 13, 2020, the City Council of the City of Sacramento proclaimed a State of Emergency as a result of the threat of COVID-19 in the City of Sacramento.

F. The COVID-19 pandemic has caused, and will continue to cause, conditions of extreme economic hardship to persons within the City of Sacramento. City action to temporarily waive penalties on delinquent charges will help mitigate the negative consequences of that hardship.

G. As part of the Customer Care and Billing (CCB) Upgrade, the water termination program was suspended in February 2019, at the Director’s discretion.

H. In response to Senate Bill 998, effective February 2020, the City of Sacramento Department of Utilities continued with an interim administrative suspension of the water termination program in order to evaluate and ensure its compliance with the low income exemption requirements of Senate Bill 998.
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager or City Manager’s designee is directed to temporarily waive penalties on delinquent utility charges.

Section 2. The City Manager or the City Manager’s designee is directed to continue providing city utilities (water, solid waste, wastewater, and drainage) to households, despite non-payment.

Adopted by the City of Sacramento City Council on March 17, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
ORDINANCE NO. 2020-0015

Adopted by the Sacramento City Council

March 17, 2020

An Ordinance Relating to a Temporary Moratorium on Evicting Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19. Due to directives from federal, state, and local health officials, residents have been advised to avoid public gatherings and stay at home to prevent the spread of this disease.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city's exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

C. The city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. As a result, restaurant and retail business has significantly declined and workers have been impacted by lost wages and layoffs. Parents have had to miss work to care for home-bound school-age children. As the virus spreads, workers may have to stay home for extended periods.

D. Many tenants have experienced sudden income loss, and further income impacts are anticipated. The loss of wages caused by the effects of COVID-19 may impact tenants' ability to pay rent when due, leaving tenants vulnerable to eviction.

E. Providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid increasing the homeless population and stabilize the rental housing market by reducing displacement.

F. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.
6. Nothing in this ordinance waives a tenant’s obligations to pay back rent owed once this ordinance is no longer effective.

SECTION 2. Moratorium on evictions due to nonpayment of rent during the COVID-19 emergency.

A. This Section 2 remains in effect until the expiration of the Governor’s Executive Order N-28-20, including any extensions.

B. This ordinance applies to all residential, but not commercial, tenants.

C. No landlord shall endeavor to evict a tenant for nonpayment of rent if the tenant, in accordance with Section 2, demonstrates that the inability to pay rent is due to the Coronavirus Disease 2019 (COVID-19), the state of emergency regarding COVID-19, or following government-recommended COVID-19 precautions.

D. As used in this Section 2, “covered reason for delayed payment” means a tenant’s loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant’s compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; and (d) tenant’s need to miss work to care for a home-bound school-age child.

E. To take advantage of the protections afforded under this ordinance, a tenant must do all the following:
   a. Notify the landlord in writing before the day rent is due that the tenant has a covered reason for delayed payment;
   b. Provide the landlord with verifiable documentation to support the assertion of a covered reason for delayed payment; and
   c. Pay the portion of rent that the tenant is able to pay.

F. If a tenant complies with the requirements of this ordinance, a landlord shall not serve a notice pursuant to California Code of Civil Procedure sections 1161 and 1162, file or prosecute an unlawful detainer action based on a three-day pay or quit notice, or otherwise endeavor to evict the tenant for nonpayment of rent.

G. Nothing in this ordinance relieves the tenant of liability for the unpaid rent after expiration of this ordinance.
SECTION 3.  Effective Date.

This ordinance takes effect immediately upon enactment.

SECTION 4.  120-Day Payback Period.

Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 120 days after the expiration of the Governor's Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent. During that 120-day period, the protections against eviction found in Section 2 of this ordinance apply for such tenants.

SECTION 5.  Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

The directives from health officials to contain the spread of COVID-19 has resulted in loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to wage losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

Adopted by the City of Sacramento City Council on March 17, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council

Passed for Publication: Not applicable
Published: To be published in its entirety
Effective: March 17, 2020
ORDINANCE NO. 2020-0017

Adopted by the Sacramento City Council

March 24, 2020

An Ordinance Amending the Temporary Moratorium on Evicting Tenants to Include Commercial Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19, and on March 19, 2020, issued an Order of the County Health Officer to Stay at Home or Place of Residence, which imposes strong restrictions on the activities of persons and the operation of businesses throughout the county.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspends any state law that would preempt or otherwise restrict the city’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

C. On March 17, 2020, the city council adopted Sacramento City Ordinance No. 2020-0015, establishing a moratorium on residential evictions due to nonpayment of rent during the COVID-19 emergency.

D. The city has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. Bars and restaurants have been ordered to only serve food for delivery or pick-up; many other businesses have been determined to be non-essential, and thus ordered to effectively cease operations.

E. The loss of income caused by the effects of COVID-19 and the public health orders have, and will, impact commercial tenants’ ability to pay rent when due, leaving them vulnerable to eviction.

F. Providing tenants with a short-term protection from eviction due to the inability to pay rent will help avoid further business closures and job losses.
F. During this state of emergency, and in the interests of protecting the public health and preventing transmission of the coronavirus, it is essential to avoid unnecessary displacement of tenants. Prohibiting evictions on a temporary basis is needed until the spread of the virus can be minimized and the emergency restrictions lifted.

G. Nothing in this ordinance waives a tenant’s obligations to pay back rent owed once this ordinance is no longer effective.

SECTION 2. Moratorium on tenant evictions due to nonpayment of rent during the COVID-19 emergency.

A. Sacramento City Ordinance No. 2020-0015 is amended as follows:

1. Subsection 2.B is amended to read as follows:

   B. This ordinance applies to all residential and commercial tenants.

2. Subsection 2.D is amended to read as follows:

   D. As used in this Section 2:

   1. For residential tenants, “covered reason for delayed payment” means a tenant’s loss of income due to any of the following: (a) tenant was sick with COVID-19 or caring for a household or family member who is sick with COVID-19; (b) tenant experienced a lay-off, loss of hours, or other income reduction resulting from COVID-19 or the state of emergency; (c) tenant’s compliance with a recommendation from a government agency to stay home, self-quarantine, or avoid congregating with others during the state of emergency; and (d) tenant’s need to miss work to care for a home-bound school-age child.

   2. For commercial tenants, “covered reason for delayed payment” means a tenant’s loss of income due to the tenant’s closure of, operating restrictions placed upon, or other loss of patronage of the tenant’s business directly resulting from (i) the state-declared emergency, locally-declared emergency, or county stay-at-home order described in Section 1 of this ordinance; or (ii) any other emergency declarations or orders related to COVID-19.

3. Section 4 of Ordinance 2020-0015 is amended to read as follows:

   Tenants who were afforded eviction protection under Section 2 of this ordinance shall have up to 120 days after the expiration of the Governor’s Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent without any related late fees. During that 120-day period, the protections against eviction found in Section 2 of this ordinance apply for such tenants.
B. Except as amended by subsection A above, all provisions of Sacramento City Ordinance No. 2020-0015 remain unchanged and in full effect.

SECTION 3. Effective Date.

This ordinance takes effect immediately upon adoption.

SECTION 4. Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

The directives and orders from health officials to contain the spread of COVID-19 has resulted in involuntary restrictions and closures, loss of business, furloughs, loss of wages, and lack of work for employees. To protect the public health, safety, and welfare, the city must act to prevent eviction of tenants who are unable to pay rent due to business interruption and income losses caused by the effects of COVID-19. An emergency measure is necessary to protect tenants from eviction for a temporary period.

Adopted by the City of Sacramento City Council on March 24, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, and Mayor Steinberg

Noes: Member Warren

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
Published: To be published in its entirety
Effective: March 24, 2020
RESOLUTION NO. 2020-0089

Adopted by the Sacramento City Council

April 7, 2020

Sacramento COVID-19 Homelessness Response Team Approvals

BACKGROUND

A. On March 17, 2020, the Governor signed Senate Bill 89 (SB 89) which appropriated $500 million from the General Fund for any purpose related to the March 4, 2020, proclamation of a state of emergency in response to the COVID-19 outbreak.

B. On March 27, 2020, the President of the United States signed Senate Bill 3548, the Coronavirus Aid, Relief, and Economic Security Act (CARES) which appropriated $2 trillion in funding that, among other things, provides relief to local governments to address the impacts of the COVID-19.

C. As part of the CARES Act, the City of Sacramento anticipates receiving $1,453,941 through the Emergency Solutions Grant (ESG) program and $2,869,932 through the Community Development Block Grant (CDBG) program.

D. The ESG program provides funding exclusively for outreach and sheltering programs for people experiencing homelessness. The CDBG program provides funding for community development projects, including public services.

E. The Sacramento COVID-19 Homelessness Response Team has developed a response plan to address the need to provide medical, shelter, meals, transportation, outreach and other critical services to the County’s most vulnerable population experiencing homeless who are most at risk of the complications of COVID-19 and to reduce the spread of COVID-19 amongst both sheltered and unsheltered populations.

F. The Sacramento COVID-19 Homelessness Response Team recommends a collaborative partnership for implementing outreach, sheltering and sanitation programs, aligning resources to those entities with appropriate capacity and experience. Sacramento County Department of Human Assistance (DHA) has significant experience operating motel vouchers programs for people experiencing homelessness and Sacramento Steps Forward (SSF) has significant experience providing street outreach and services to persons experiencing unsheltered homelessness.
G. The City recognizes the importance of expediting any new or amended service contracts with service providers to provide services necessary to minimize the spread of COVID-19 amongst persons experiencing homelessness and ensure the health and safety of those currently receiving services through County, City, State, Federal and locally funded programs.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: The City Council adopts the Sacramento COVID-19 Homelessness Response Plan and authorizes the immediate implementation of the plan in order to provide immediate and critical interventions and services needed in response to the COVID-19 health crisis.

Section 2: The City Manager or the City Manager’s designee is authorized to accept and administer $4,323,873 in ESG and CDBG funding from the CARES Act with the U.S. Department of Housing and Urban Development, and to execute and submit supporting documents and various reports for the implementation of this funding.

Section 3: The CARES COVID-19 Grant (G02001600) is hereby established.

Section 4: The City Manager or the City Manager’s designee is authorized to establish the revenue and expenditure budgets in the CARES COVID-19 Grant (G02001600) project in the Operating Grants Fund (Fund 2702) in the amount of $4,323,873.

Section 5: The City Manager or the City Manager’s designee is authorized to execute contractual agreements with homeless service providers and agencies who can provide critical services outlined in the Sacramento COVID-19 Homelessness Response Plan.

Section 6: The City Manager or the City Manager’s designee is authorized to enter into agreements with Sacramento County to transfer funding and implementation responsibility for the provision of critical services outlined in the Sacramento COVID-19 Homelessness Response Plan.

Section 7: The City Manager or the City Manager’s designee is authorized to pursue any and all additional sources of funding to implement the Sacramento COVID-19 Homelessness Response Plan in full.

Section 8: City staff is directed to return to the City Council for further direction as necessary, if required by the City Code.
Adopted by the City of Sacramento City Council on April 7, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
Resolution No. 2020-0119 Ordinance Amending Section 13.12.070 of the Sacramento City Code, Relating to Penalties on Delinquent Utility-Service Charges, and Declaring the Ordinance to be an Emergency Measure and Other Actions to Address COVID-19

RESOLUTION NO. 2020-0119

Adopted by the Sacramento City Council

May 12, 2020

Ordinance Amending Section 13.12.070 of the Sacramento City Code, Relating to Penalties on Delinquent Utility-Service Charges, and Declaring the Ordinance to be an Emergency Measure and Other Actions to Address COVID-19

BACKGROUND

A. On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of coronavirus disease 2019 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer, Dr. Oliva Kasnye, declared a public-health emergency in Sacramento County due to COVID-19; and, on March 19 and April 7, 2020, she issued Orders of the County Health Officer to Stay at Home or Place of Residence, which impose strong restrictions on the activities of persons and the operation of businesses throughout the County.

B. On March 12, 2020, the Governor issued Executive Order N-25-20. The Governor stated, among other things, that despite sustained efforts, COVID-19 remains a threat and further efforts are needed to control the spread of the virus; that local officials may issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events; and that individuals exposed to COVID-19 may be unable to work and thus may experience a loss of income, health care, medical coverage, and the ability to pay for housing and basic needs. The Governor ordered, among other things, that residents are to heed orders of state and local health officials, including social distancing measures; and that provisions of state law relating to disability insurance, unemployment insurance, emergency medical services, taxes, medical facilities, and public meetings are modified during this emergency.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the COVID-19 pandemic; and, on March 17, 2020, the City Council adopted a resolution "directing the City Manager or City Manager’s designee to temporarily waive penalties on delinquent utility charges."

D. On March 19, 2020, the Governor issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their places of residence except as needed to maintain continuity of operations of the federal critical-infrastructure sectors.
E. On April 29, 2020, the Sacramento County Public Health Officer issued an order that supersedes her prior stay-at-home orders and remains in effect until May 22, 2020, or until such time that it is extended, modified, or superseded by order of the Public Health Officer.

F. The City has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and might continue. Employees have been advised to work at home. Bars and restaurants have been ordered to only serve food for delivery or pick-up. And many other businesses determined to be non-essential have been ordered to effectively cease operations.

G. The revenue losses caused by the effects of COVID-19 and the related public-health orders have impaired, and will impair, the ability of some customers to pay utility charges when due. Imposing penalties increases the economic hardship on utility customers who are unable to pay their bills due to the current conditions. These conditions warrant and necessitate measures to mitigate adverse economic effects that may be experienced by utility customers. Minimizing penalties on late payments during this emergency will help mitigate the economic hardship on those customers already suffering from the secondary effects of this health crisis.

H. The City Council has adopted an ordinance amending section 13.12.070 of the Sacramento City Code to authorize the City Council to temporarily suspend the assessment of penalties on delinquent utility-service charges for City services during a locally declared emergency.

I. The City has issued revenue bonds secured by charges for water service and revenue bonds secured by charges for wastewater service. Under the indentures for the bonds, the City is obligated, during each fiscal year the bonds are outstanding, to “prescribe and collect rates, fees, and charges” for the water or wastewater service, as applicable, that “are reasonably estimated to yield System Net Revenues for such Fiscal Year equal to at least the Coverage Requirement for such Fiscal Year.” The term System Net Revenues means, with some exceptions, all rates, fees, charges, and other revenues derived from the utility system in question after deducting the system’s operation and maintenance costs. And the term Coverage Requirement means an amount of System Net Revenues that is equal to at least 120% of the annual debt service (i.e., payments of principal and interest) on the outstanding bonds and other parity obligations. The indentures also prohibit the City from reducing the rates, fees, and charges if the reduction would cause System Net Revenues to fall below the Coverage Requirement.
J. The Department of Utilities has completed a worst-case revenue analysis for Fiscal Years 2020/21 and 2021/22 that assumes lower System Net Revenues than usual and no assessment of penalties. The analysis projects that System Net Revenues for the water and wastewater systems should still satisfy the 120% Coverage Requirement.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. Customer accounts with delinquent utility-service charges for City services will not be assessed penalties during the period of the City’s locally declared emergency related to COVID-19, except as provided in sections 2, 3, and 4.

Section 2. The City Debt Manager shall determine by the 15th of each month, using the best revenue information then available from the Department of Utilities, the ratio of water-system net revenues to annual debt service on bonds and other parity obligations secured by those revenues. If the Debt Manager determines that the ratio is below 1.5, then he shall notify the Department of Utilities of that determination as soon as is practicable. Upon receiving the notice, the Department of Utilities shall return to the City Council, as soon as is practicable, with a recommendation that (a) the suspension of penalties on customer accounts with delinquent water-service charges be terminated or (b) the suspension be continued, but with the General Fund or some other source paying the penalties.

Section 3. The City Debt Manager shall determine by the 15th of each month, using the best revenue information then available from the Department of Utilities, the ratio of wastewater-system net revenues to annual debt service on bonds and other parity obligations secured by those revenues. If the Debt Manager determines that the ratio is below 1.5, then he shall notify the Department of Utilities of that determination as soon as is practicable. Upon receiving the notice, the Department of Utilities shall return to the City Council, as soon as is practicable, with a recommendation that (a) the suspension of penalties on customer accounts with delinquent wastewater-service charges be terminated or (b) the suspension be continued, but with the General Fund or some other source paying the penalties.

Section 4. If, after a suspension of penalties is terminated or continued under section 2 or 3, the City Debt Manager determines that the relevant ratio is 1.5 or more, then he shall notify the Department of Utilities of that determination as soon as is practicable. Upon receiving that notice, the Department of Utilities shall return to the City Council, as soon as is practicable, with a recommendation for further action regarding the suspension.
Section 5. Nothing in this resolution waives the City’s ability to collect delinquent utility charges through its standard process.

Adopted by the City of Sacramento City Council on May 12, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy  
Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
Ordinance No. 2020-0020 An Ordinance Amending Section 13.12.070 of the Sacramento City Code, Relating to Penalties on Delinquent Utility-Service Charges and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

ORDINANCE NO. 2020-0020

Adopted by the Sacramento City Council

May 12, 2020

An Ordinance Amending Section 13.12.070 of the Sacramento City Code, Relating to Penalties on Delinquent Utility-Service Charges and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of coronavirus disease 2019 ("COVID-19"). On March 5, 2020, the Sacramento County Public Health Officer, Dr. Olivia Kasirye, declared a public-health emergency in Sacramento County due to COVID-19; and, on March 19 and April 7, 2020, she issued Orders of the County Health Officer to Stay at Home or Place of Residence, which impose strong restrictions on the activities of persons and the operation of businesses throughout the County.

B. On March 12, 2020, the Governor issued Executive Order N-25-20. The Governor stated, among other things, that despite sustained efforts, COVID-19 remains a threat and further efforts are needed to control the spread of the virus; that local officials may issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events; and that individuals exposed to COVID-19 may be unable to work and thus may experience a loss of income, health care, medical coverage, and the ability to pay for housing and basic needs. The Governor ordered, among other things, that residents are to heed orders of state and local health officials, including social-distancing measures; and that provisions of state law relating to disability insurance, unemployment insurance, emergency medical services, taxes, medical facilities, and public meetings are modified during this emergency.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the COVID-19 pandemic; and, on March 17, 2020, the City Council adopted a resolution "directing the City Manager or City Manager’s designee to temporarily waive penalties on delinquent utility charges."

D. On March 19, 2020, the Governor issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home or at their places of residence except as needed to maintain continuity of operations of the federal critical-infrastructure sectors.
E. On April 29, 2020, the Sacramento County Public Health Officer issued an order that supersedes her prior stay-at-home orders and remains in effect until May 22, 2020, or until such time that it is extended, modified, or superseded by order of the Public Health Officer.

F. The City has been impacted by the health crisis of this global pandemic. Sporting events, concerts, plays, and conferences have been cancelled. School closures have occurred and may continue. Employees have been advised to work at home. Bars and restaurants have been ordered to only serve food for delivery or pick-up. And many other businesses determined to be non-essential have been ordered to effectively cease operations.

G. The revenue losses caused by the effects of COVID-19 and the related public-health orders have impaired, and will impair, the ability of some customers to pay utility charges when due. Imposing penalties increases the economic hardship on utility customers who have already been adversely affected. These conditions warrant and necessitate measures to mitigate adverse economic effects that may be experienced by utility customers. Minimizing penalties on late payments during this emergency will help mitigate the economic hardship on those customers already suffering from the secondary effects of this health crisis.

H. Nothing in this ordinance waives the City's ability to collect delinquent utility charges through its standard process.

SECTION 2. Suspension of penalties on delinquent utility-service charges.

A. Subsection E is hereby added to section 13.12.070 of the Sacramento City Code, to read as follows:

E. During a local emergency declared by the city council, the city council may, by resolution, temporarily suspend the assessment of penalties described in subsection B.

B. Except as amended by subsection A above, all provisions of section 13.12.070 remain unchanged and in effect.

SECTION 3. Emergency declaration; effective date.

In accordance with Sacramento City Charter section 32(g)(2), the City Council hereby declares this ordinance to be an emergency measure that takes effect immediately upon adoption. The facts constituting the emergency are set forth in section 1.
Adopted by the City of Sacramento City Council on May 12, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
Published: To be published in its entirety
Effective: May 12, 2020
Resolution No. 2020-0152 Accept Grant Funding and Establish Emergency Programs Related to Coronavirus Disease 2019 (COVID-19)

RESOLUTION NO. 2020-0152

Adopted by the Sacramento City Council

May 26, 2020

Accept Grant Funding and Establish Emergency Programs Related to Coronavirus Disease 2019 (COVID-19)

BACKGROUND


B. On March 5, 2020, the County of Sacramento proclaimed a public health emergency as a result of the threat of COVID-19 (pandemic) in the county.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the pandemic.

D. On April 21, 2020, the City received $89.6 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act and on April 17, 2020, received $0.3 million from the CARES Act specific to delivery of emergency medical services (EMS).

E. On May 12, 2020, the City Council held a workshop to discuss a Coronavirus Relief Fund framework and funding priorities for expenditure of the $89.6 million. During the workshop Council and stakeholders expressed overall interest in funding programs and projects that, among other things, provide small business assistance, get people back to work, offer opportunities for youth enrichment, address homelessness and housing issues, and support the arts and tourism industries that were directly impacted by this pandemic.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager or his designee is authorized to accept the $89.6 million CARES funding from the US Treasury and $0.3 million CARES funding from the US Department of Health and Human Services.

Section 2. The City Manager or his designee is authorized to establish the Federal CARES Act Fund (Fund 2704).
Section 3. The City Manager or his designee is authorized the establish the COVID-19 grant programs and establish revenue and expenditure budgets and realign existing funding within the various grant programs as outlined below:

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**Program / Program Descriptions**

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</tr>
<tr>
<td>Food Insecurity</td>
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<td>Central Labor Council Hotline</td>
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<tr>
<td>Housing for Essential Staff</td>
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<tr>
<td>Rental Mediation</td>
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<tr>
<td>Youth Enrichment</td>
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<td>2,250,000</td>
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<tr>
<td>Creative Economy</td>
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<td>5,000,000</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Great Plates (G0261)0300</td>
<td>-</td>
<td>250,000</td>
<td>250,000</td>
</tr>
<tr>
<td><strong>COVID-19 (020003000)</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Economic Relief to Small Business</td>
<td>-</td>
<td>11,100,000</td>
<td>11,100,000</td>
</tr>
<tr>
<td>Procurement of Emergency Supplies</td>
<td>-</td>
<td>250,000</td>
<td>250,000</td>
</tr>
<tr>
<td>Homeless Housing Initiative (020002000)</td>
<td>-</td>
<td>2,000,000</td>
<td>2,000,000</td>
</tr>
<tr>
<td>St John Shelter and City of Refuge</td>
<td>-</td>
<td>2,000,000</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Homeless Mitigation (15200)200</td>
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<td>Emergency Homeless Encampment Cleanup</td>
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</tbody>
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**Summary of Actions to Date**

<table>
<thead>
<tr>
<th>Action</th>
<th>FTE</th>
<th>Revenue Budget</th>
<th>Expenditure Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRF Balance</td>
<td>61,555,428</td>
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Section 4. The City Manager or his designee is authorized the establish and adjust budgets for the projects identified below:

<table>
<thead>
<tr>
<th>Fund / Project Name</th>
<th>Project #</th>
<th>Revenue Budget</th>
<th>Expenditure Budget</th>
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<tr>
<td>General Fund (Fund 1001)</td>
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<tr>
<td>Procurement of Emergency Supplies</td>
<td>02003000</td>
<td>-</td>
<td>(270,000)</td>
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<tr>
<td>Economic Relief to Small Businesses</td>
<td>02003000</td>
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<td>(1,100,000)</td>
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<tr>
<td>General Fund Administrative Contingency</td>
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<td>1,350,000</td>
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<tr>
<td>Disaster Relief Act (Fund 2701)</td>
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<td></td>
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<tr>
<td>Great Plates Delivered (75%)</td>
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<tr>
<td>Operating Grants (Fund 2702)</td>
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<td></td>
</tr>
<tr>
<td>Great Plates Delivered (15.75%)</td>
<td>G02010300</td>
<td>750,000</td>
<td>750,000</td>
</tr>
<tr>
<td>Federal CARES Act (Fund 2704)</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Fire ENS Supplies and Services</td>
<td>G02010200</td>
<td>295,523</td>
<td>295,523</td>
</tr>
</tbody>
</table>

Section 5. The City Manager or his designee is directed to develop a list of recommendations for appropriation of the remaining amount of CARES Act funding consistent with the general four categories described in the Mayor's CARES Act Framework and Funding Priorities letter from May 12, 2020 and from additional council recommendations, and return to the City Council for approval. The development of funding recommendations will adhere to the same process and timeline as discussed during the Council workshop on May 12th.

Section 6. Nothing herein prevents the City Council from revising the funding categories and amounts based on additional community input, including the forthcoming community survey.
Adopted by the City of Sacramento City Council on May 26, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Scherer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
Resolution No. 2020-0154 Amendment to the Sacramento COVID-19 Homelessness Response Plan

RESOLUTION NO. 2020-0154

Adopted by the Sacramento City Council

June 2, 2020

Amendment to the Sacramento COVID-19 Homelessness Response Plan

BACKGROUND

A. On March 27, 2020, the President of the United States signed Senate Bill 3548, the Coronavirus Aid, Relief, and Economic Security Act (CARES) which appropriated $2 trillion in funding that, among other things, provides relief to local governments to address the impacts of the COVID-19.

B. As part of the CARES Act, the City of Sacramento anticipates receiving $1,453,941 through the Emergency Solutions Grant (ESG) program and $2,869,932 through the Community Development Block Grant (CDBG) program.

C. The ESG program provides funding exclusively for outreach and sheltering programs for people experiencing homelessness. The CDBG program provides funding for community development projects, including public services.

D. On April 7, 2020, the City Council adopted the Sacramento COVID-19 Homelessness Response Plan (Resolution 2020-0089) to address the need to provide medical, shelter, meals, transportation, outreach and other critical services to the County’s most vulnerable population experiencing homeless who are most at risk of the complications of COVID-19 and to reduce the spread of COVID-19 amongst both sheltered and unsheltered populations.

E. The Sacramento COVID-19 Homelessness Response Plan includes a collaborative partnership for implementing outreach, sheltering and sanitation programs, aligning resources to those entities with appropriate capacity and experience. Sacramento County Department of Human Assistance (DHA) has significant experience operating motel vouchering programs for people experiencing homelessness and, therefore, was designated as the lead for operations of the Preventative Quarantine Motel component of the plan.

F. In support of the Sacramento COVID-19 Homeless Response Teams’ coordinated framework and action plan it is more efficient to have SHRA provide the CARES ESG and CDBG funds directly to DHA, instead of flowing the funds through the City.
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager or City Manager's designee is authorized to reduce the revenue and expenditure budgets by $4,323,673 in the CARES COVID-19 Grant (G02001600) in the Operating Grants Fund (Fund 2702) for the Sacramento Housing and Redevelopment Agency (SHRA) to receive the City's allocation of the Coronavirus Aid, Relief, and Economic Security Act (CARES) Emergency Solutions Grant (ESG) and Community Development Block Grant (CDBG) funding from the United States Department of Housing and Urban Development (HUD) and transmit the City's allocation to Sacramento County for implementation of Sacramento COVID-19 Homelessness Response Plan.

Section 2. The City Manager or City Manager's designee is authorized to cancel the CARES COVID-19 Grant (G02001600) project.

Adopted by the City of Sacramento City Council on June 2, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Resolution 2020-0154       June 2, 2020       Page 2 of 2
Motion No. 2020-0154 City Council COVID-19 Response: CARES Act Framework and Funding Priorities; Establish Emergency Programs – Small Business Recovery Program

City Council COVID-19 Response: CARES Act Framework and Funding Priorities; Establish Emergency Programs - Small Business Recovery Program

File ID: 2020-00707
Location: Citywide

Action: Moved/Seconded: Member Hansen / Mayor Steinberg.

Yes: Members Angelique Ashby, Larry Carr, Eric Guerra, Steve Hansen, Jeff Harris, Rick Jennings, Jay Schenirer, Allen Warren, and Mayor Darrell Steinberg.

Members of the public provided public comments via the phone-in line.

1) Reviewed, discussed, and took action regarding the Coronavirus Aid, Relief and Economic Security (CARES) Act Small Business Recovery Program; 2) passed Motion No. 2020-0154: a) authorizing the City Manager, City Attorney, City Auditor, City Treasurer, and City Clerk to take all actions necessary to implement the Small Business Recovery Program; and b) authorizing the City Manager to modify the terms of the Small Business Recovery Program as long as the modifications do not increase the total program funding amount of $10,000,000.

Contact: Howard Chan, City Manager, (916) 808-7488, Office of the City Manager; Susana Alcala Wood, (916) 808-5346, Office of the City Attorney

Source: Draft Minutes for the June 16, 2020 City Council Meeting.
Resolution No. 2020-0184 Resolution Confirming Emergency Orders Relating to the Temporary Allowance of Outdoor Dining by Director of Emergency Services; and Establishing a System of Citation and Organization for Various Emergency Actions Recently Taken

RESOLUTION NO. 2020-0184

Adopted by the Sacramento City Council

June 30, 2020

Resolution Confirming Emergency Orders Relating to the Temporary Allowance of Outdoor Dining by Director of Emergency Services; and Establishing a System of Citation and Organization for Various Emergency Actions Recently Taken

BACKGROUND

A. On March 13, 2020, the City Council adopted a resolution declaring a local emergency in the City of Sacramento relating to the COVID-19 pandemic and issued an emergency order regarding various issues, such as special events permits, an economic relief package for small businesses, and the city manager’s authority to execute agreements.

B. On May 21, 2020, the City Manager, acting as the Director of Emergency Services, issued an emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining.

C. On June 1, 2020, the City Council adopted a resolution declaring a local emergency in the City of Sacramento relating to the civil unrest and issued an emergency order establishing a curfew.

D. On June 6, 2020, the City Council issued an emergency order terminating the curfew relating to the civil unrest.

E. On June 25, 2020, the City Manager, acting as the Director of Emergency Services, issued a second emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining.

F. The City Council is empowered to declare and terminate a local emergency, as well as issue emergency orders and regulations. (Cal. Gov. Code §§ 8630, 8634; Sac. City Code § 2.116.060.)

G. The Director of Emergency Services is empowered to make and issue rules and regulations on matters responsibly related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the city council. (Sac. City Code § 2.116.060.)
H. In recognition of the complexity of the current circumstances which has necessitated the declarations of two separate local emergencies and five emergency orders to date, and of the potential for these circumstances continuing for an extended period of time and change rapidly, it would be prudent to establish a system of citation and organization for the various emergency actions taken at this juncture.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL FINDS AND RESOLVES AS FOLLOWS:

Section 1. The City Council finds and determines that the background statements A through H are true.

Section 2. The City Council hereby confirms the Director of Emergency Services’ May 21, 2020 emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining.

Section 3. The City Council hereby confirms the Director of Emergency Services’ June 25, 2020 emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining.

Section 4. Section 2 of Resolution No. 2020-0075 is amended nunc pro tunc to read as follows:

The City Council declares that a local emergency relating to the COVID-19 pandemic now exists throughout the City of Sacramento, California, until terminated by the City Council. This declaration shall be reviewed as required under Sacramento City Code section 2.116.060.

Section 5. Section 2 of Resolution No. 2020-0153 is amended nunc pro tunc to read as follows:

The City Council declares that a local emergency relating to the civil unrest now exists throughout the City of Sacramento, California, until terminated by the City Council. This declaration shall be reviewed as required under Sacramento City Code section 2.116.060.

Section 6. The City Council’s emergency order relating to COVID-19, as set forth in Sections 7 and 8 of Resolution No. 2020-0075, regarding various issues, such as special events permits, an economic relief package for small businesses, and the city manager’s authority to execute agreements, is hereby deemed Emergency Order No. 2020-001.
Section 7. The Director of Emergency Services' May 21, 2020 emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining, is hereby deemed Emergency Order No. 2020-002.

Section 8. The City Council's June 1, 2020 emergency order relating to the civil unrest, establishing a curfew, as set forth in sections 11 through 14 of Resolution No. 2020-0153 is hereby deemed Emergency Order No. 2020-003.

Section 9. The City Council's June 6, 2020 emergency order terminating the curfew relating to the civil unrest, as set forth in Resolution No. 2020-0164 is hereby deemed Emergency Order No. 2020-004.

Section 10. The Director of Emergency Services' June 25, 2020 emergency order relating to the COVID-19 pandemic, establishing rules and regulations for the temporary allowance of outdoor dining, is hereby deemed Emergency Order No. 2020-005.

Section 11. Each local emergency declaration and emergency order issued thereafter shall be labeled and numbered accordingly.

Table of Contents:
   Exhibit A - City Manager Directive - Outdoor Dining

Adopted by the City of Sacramento City Council on June 30, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Nees: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF SACRAMENTO
ESTABLISHING RULES AND REGULATIONS FOR THE TEMPORARY ALLOWANCE OF
OUTDOOR DINING TO PROTECT LIFE AND PROPERTY AS AFFECTED BY THE COVID-19
PANDEMIC

BACKGROUND

In response to the world-wide spread of the respiratory illness coronavirus disease 2019 (COVID-19), the Federal Health and Human Services Secretary declared a national public health emergency in the United States on January 31, 2020; Governor Gavin Newsom proclaimed a state of emergency in the State of California on March 4, 2020; the County of Sacramento proclaimed a public health emergency on March 5, 2020; the City Council declared it a local emergency on March 13, 2020; and on that same day, the President of the United States declared a national emergency.

Since March 12, 2020, Governor Newsom, through state and local public health officials, imposed social distancing measures in order to control the spread of the virus. On March 19, 2020, Governor Newsom issued Executive Order N-33-20, which ordered all California residents to stay home or at their place of residence except as needed to maintain operations of certain federal critical infrastructure sectors. That same day, the Public Health Officer of the County of Sacramento issued a similar stay-at-home order which made exceptions only to do essential activities, conduct essential government functions, and operate essential businesses. As a result of these orders, many businesses in the City of Sacramento, including restaurants, were forced to cease operations, causing wide-spread economic damage to the community. The closures caused the businesses to miss rent or mortgage payments, lay off workers, and some to shutter permanently; the businesses’ employees lost their source of income and could not afford to pay their bills; and the public was deprived of the businesses’ services, products, and gathering spaces.

Almost two months later, on May 4, 2020, Governor Newsom issued Executive Order N-60-20, which signaled that, although COVID-19 continued to menace the public health, Californians would soon be able to gradually resume various activities while continuing to preserve public health. The State Public Health Officer articulated a four-stage framework which proposes a gradual, phased-in approach to reopening businesses and spaces in the state. On May 26, 2020, the County of Sacramento, consistent with the State’s direction and by order of the County Public Health Officer, relaxed restrictions on certain low-risk businesses. The County order allows restaurants to reopen to dine-in customers, but under social distancing guidelines that reduce the density of seating in order to avoid the wide-spread transmission of COVID-19 among their patrons. However, deployment of this strategy within the existing restaurant buildings would continue to make it difficult for restaurants to profitably operate while also hiring employees at a sufficient wage and serving their customers at an affordable price.

In response to the County of Sacramento Public Health Officer’s order, the City of Sacramento will take measures to further mitigate the adverse economic effects that may be experienced by restaurants and property owners during this emergency by suspending enforcement of certain City regulations that prohibit the use of private parking lots for outdoor dining. If the State and County allow the reopening of restaurants to dine-in customers with social distancing conditions, these measures will allow restaurants to safely expand the area in which they may operate their business and increase the number of patrons that can be served, while still protecting the public health by maintaining the social distancing necessary to prevent the further spread of the disease.
ORDER

Based on the statement above and pursuant to the authority provided by Sacramento City Code section 2.116.050, the City Manager, acting as the Director of Emergency Services, hereby establishes the following rules and regulations for the temporary allowance of outdoor dining to protect life and property as affected by the COVID-19 pandemic:

1. Enforcement of Sacramento City Code section 9.04.050, regulating the consumption of alcoholic beverages, is suspended to the extent necessary to allow the consumption of alcoholic beverages in association with outdoor dining, if otherwise permitted in the zone in which the site is located.

2. Enforcement of Sacramento City Code section 17.608.020.A, establishing a required ratio of parking spaces, is suspended to the extent necessary to allow use of off-street parking facilities for outdoor dining and the consumption of alcohol, if otherwise permitted in the zone in which the site is located.

3. Enforcement of Sacramento City Code section 17.608.040.B, regulating the use of off-street parking facilities, is suspended to the extent necessary to allow use of off-street parking facilities for outdoor dining and the consumption of alcohol, if otherwise permitted in the zone in which the site is located.

4. Enforcement of Sacramento City Code sections 5.68.110.A, 5.68.340, and 5.68.450.A, relating to food vending vehicles, are suspended to the extent necessary to allow food vending vehicles to operate in off-street parking facilities if outdoor dining and the consumption of alcohol is otherwise permitted in the zone in which the site is located.

5. Enforcement of any provision of the Sacramento City Code or permit condition that prohibits the use of temporary structures, such as portable umbrellas, planters, awnings, heaters, tables, and chairs, is suspended to the extent they are used for outdoor dining and the consumption of alcohol, if otherwise permitted in the zone in which the site is located.

6. No modifications to permanent structures, utilities, or fixtures are allowed by this order, unless the property owner obtains prior approval of site plan and design review and a building permit, which complies with zoning and building codes.

7. Nothing in this order allows any person or business to block any accessible parking spaces or marked fire lanes.

8. All businesses shall work with County Health personnel and Alcohol Beverage Control (ABC), as applicable.

9. Unless expressly stated herein, nothing in this order allows any person to operate any business in violation of any other provision of the Sacramento City Code or other lawful order issued by the City.

10. Nothing in this order allows any person to operate any business in violation of any State or County laws, including orders, statutes, regulations, and guidelines.
11. This order is in effect during the term of the local emergency declared by the City Council and will automatically terminate concurrently with termination of the local emergency, unless it is terminated or otherwise amended earlier by the Director of Emergency Services.

12. This order supersedes the order of the Director of Emergency Services, dated May 21, 2020, relating to the establishment of rules and regulations for the temporary allowance of outdoor dining to protect life and property as affected by the COVID-19.

Howard Chan
Director of Emergency Services

Jun 25, 2020

Date
RESOLUTION NO. 2020-0214

Adopted by the Sacramento City Council

June 30, 2020

Grant: Coronavirus Emergency Supplemental Funding

BACKGROUND

A. The US Department of Justice, Bureau of Justice Assistance, via the Coronavirus Aid, Relief, and Economic Security (CARES) Act has allocated $795,286 in federal grant funds to the City of Sacramento to support the costs of officer overtime, personal protective equipment, supplies, and travel/training that result from the Police Department’s response to the coronavirus.

B. Under the program, allowable expenses incurred between January 20, 2020 and January 31, 2022 may be reimbursed via the grant.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The City Manager, or the City Manager’s designee, is authorized to accept the Coronavirus Emergency Supplemental Funding (CESF) grant award of $795,286.

Section 2. The City Manager, or the City Manager’s designee, is authorized to establish an operating grant project (G02610400) for the CESF award.

Section 3. The City Manager, or the City Manager’s designee, is authorized to adjust revenue and expense budgets for the award amount of $795,286.
Adopted by the City of Sacramento City Council on June 30, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
RESOLUTION NO. 2020-0219

Adopted by the Sacramento City Council

June 30, 2020

City Council COVID-19 Response: CARES Act Framework and Funding Priorities; Small Business Recovery Program: Augment the Forgivable Loan Funding and Establish the Technical Assistance Component

BACKGROUND


B. On March 5, 2020, the County of Sacramento proclaimed a public health emergency as a result of the threat of COVID-19 (pandemic) in the county.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the pandemic.

D. On April 21, 2020, the City received $89.6 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act and on April 17, 2020, received $0.3 million from the CARES Act specific to delivery of emergency medical services (EMS).

E. On May 12, 2020, the City Council held a workshop to discuss a Coronavirus Relief Fund (CRF) framework and funding priorities for expenditure of the $89.6 million. During the workshop, Council and stakeholders expressed overall interest in funding programs and projects that, among other things, provide small business assistance, get people back to work, offer opportunities for youth enrichment, address homelessness and housing issues, and support the arts and tourism industries that were directly impacted by this pandemic.

F. On May 26, 2020, City Council committed $26 million in CRF to support immediate local economic relief services and programs for residents and businesses. To mitigate the impacts of COVID-19 on Sacramento businesses and their employees, City Council approved $16 million in CRF to create a Small Business Recovery Program and requested staff return with program recommendations, descriptions, criteria, and eligibility.
BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Small Business Recovery Program – Technical Assistance Component is approved.

Section 2. The City Manager or his designee is authorized to establish a $5 million revenue and expenditure budget in the CARES Act Program (G02610100) in the Federal CARES Act Fund (Fund 2704) for the Small Business Recovery Program - Technical Assistance Component.

Section 3. The City Manager or his designee is directed to develop funding recommendations for the use of the Technical Assistance funding and return to City Council for approval after the City Council’s July 2020 recess.

Section 4. The City Manager or his designee is directed to increase the revenue and expenditure budget in the CARES Act Program (G02610100) in the Federal CARES Act Fund (Fund 2704) by $5 million for the Small Business Recovery Program - Forgivable Loans.

Section 5. The Small Business Recovery Program Forgivable Loan Program criteria as adopted by Council on June 16, 2020 are amended to allow for Home-based businesses and sole proprietors to be eligible for loan funding from the program. Home-based businesses with 2 or fewer employees would be eligible for $2500.

Adopted by the City of Sacramento City Council on June 30, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Resolution 2020-0219

June 30, 2020

Page 2 of 2
Ordinance No. 2020-0026
An Ordinance Adding Chapter 5.160 to the Sacramento City Code, Relating to Worker Protection, Health, and Safety; and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

ORDINANCE NO. 2020-0026

Adopted by the Sacramento City Council

June 30, 2020

An Ordinance Adding Chapter 5.160 to the Sacramento City Code, Relating to Worker Protection, Health, and Safety; and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Chapter 5.160 is hereby added to the Sacramento City Code, to read as follows:

CHAPTER 5.160    WORKER PROTECTION, HEALTH, AND SAFETY

Article 1    General Provisions.

5.160.010    Title.

This chapter shall be known and may be cited as the “Sacramento Worker Protection, Health, and Safety Act.”

5.160.020    Findings and purpose.

A. COVID-19 is a pandemic threatening the health and safety of the City’s residents, as reflected by the various emergencies declared at the local, state, and national levels.

B. Immediate efforts to limit the spread of the COVID-19 coronavirus are critical to protecting the health and safety of the City’s residents.

C. As employees return to the workplace, it is critical to have a working environment that does not unnecessarily increase for them — and thus their co-workers and customers — their potential exposure to the COVID-19 coronavirus.

D. This ordinance is necessary to mitigate the spread and effect of the COVID-19 coronavirus, to protect employees in the workplace, to ensure fair employment practices during the economic upheaval from the pandemic, and to reduce the demand on government-funded services. Any delay in its implementation is a threat to the health, safety, and welfare of workers and the public in general.

E. Among the most effective ways to limit the spread of the COVID-19 coronavirus is to ensure that employees who are feeling sick or who are exposed to or caring for a family member who is suffering from COVID-19 do not go to work.
F. Efforts to limit the spread of the COVID-19 virus may be undermined if employees go to work sick because they are unable to risk losing income and do not have sick leave available to them.

G. Any delay in making available paid sick leave benefits could result in the unnecessary spread of the COVID-19 virus by employees to their co-workers or to the public who come in contact with them while they are working.

5.160.030 Definitions.

The following definitions apply in this chapter:

“Emergency Paid Sick Leave Act” or “EPSLA” means the federal Emergency Paid Sick Leave Act enacted as part of the Families First Coronavirus Response Act (H.R. 6201).

“Employee” means a person who works within the boundaries of the City of Sacramento for their employer and is an “employee” as defined by California Labor Code section 2750.3.

“Employer” means a person that operates a business in the City of Sacramento and who directly or indirectly employs or exercises control over the wages, hours, or working conditions of any employee.

“EPSLA-exempt employer” means an employer that is not required to provide paid sick leave to employees under the Emergency Paid Sick Leave Act, whether by the terms of Emergency Paid Sick Leave Act or by the employer’s exercise of an exemption under that Act.

“Face covering” means a material that covers the nose and mouth, consistent with the definition of a cloth face covering as defined by the California Department of Public Health in its June 18, 2020, Guidance for the Use of Face Coverings, as it may be amended.

“Family member” means any person for whom an employee may use paid sick leave pursuant to California Labor Code section 245.5, subdivision (c).

“Full-time employee” means an employee who works 40 hours or more per week for an employer, or who was classified as full-time by the employer before the effective date of this chapter.

“Part-time employee” means an employee who is not a full-time employee.

“SPSL” means the supplemental paid sick leave described in article II of this chapter.

“Telework” means work performed from an approved location other than the employer’s regular place of business.
5.160.040 Conditions on city financial assistance.

Any employer who receives financial assistance from the city through any program designed to provide financial assistance to businesses due to COVID-19 shall certify that the employer complies with this ordinance as a condition of receiving funds. An employer that is determined to have violated this chapter shall refund any such financial assistance it has received from the city.

5.160.050 Effect on other rights and guidance.

This chapter is not intended to revoke, repeal, or impair any employee rights, whether statutory, regulatory, or collectively-bargained. This chapter does not substitute for existing safety and health-related regulatory requirements, such as those of Cal/OSHA, the Centers for Disease Control, or any requirements of any Sacramento County health order, local order, gubernatorial executive order, or orders issued by the California Department of Public Health.

5.160.060 No waiver of rights.

No employer shall request an employee to waive a right under this chapter, and any waiver by an employee of any right under this chapter is deemed contrary to public policy and is void and unenforceable.

5.160.070 Retaliatory action prohibited.

No employer shall discharge, discipline, discriminate against, retaliate against, or reduce the compensation of any employee for seeking to exercise the employee’s rights under this chapter by any lawful means; for participating in proceedings related to this chapter; or for refusing to come to work if that refusal is based on an alleged violation substantiated by the city under section 5.160.075.

5.160.075 Right to refuse work under certain circumstances.

An employee may refuse to work for an employer, without pay, for violations of section 5.160.200, under the following circumstances:

A. The employee reasonably believes the employer is in violation of 5.160.200 and provides notice to the employer of the alleged violation.
B. The city may investigate whether the employer was in violation of 5.156.200, as alleged by the employee. Within 15 days of written notice from the city, the employer shall cure any alleged violation that has been substantiated by the city.

C. If the city after investigation finds the employer was not in violation of section 5.160.200, or if the employer provides proof to the city that it has cured any violation that has been substantiated, the employee no longer has the right of refusal as provided in this section.

5.160.080 Enforcement and remedies.

A. Civil enforcement.

1. Subject to subsection A.2, below, within 1 year of a violation an employee may bring an action in the Superior Court of the State of California against an employer for violations of section 5.160.070 and may be awarded:

   a. All actual damages;

   b. Punitive damages, pursuant to California Civil Code section 3294;

   c. Reinstatement to the position the employee was discharged from in violation of this chapter;

   d. Front and back pay for each day the violation continues, which shall be calculated at a rate of compensation not less than the higher of:

      1. The average regular rate of pay received by the employee during the last three years of their employment in the same occupation classification; or

      2. The most recent regular rate received by the employee while employed by the employer;

   e. Reasonable attorneys’ fees and costs; and

   f. Other legal or equitable relief the court deems just and appropriate, including injunctive relief.

2. An employee may commence an action only after the following requirements have been met:

   a. The employee provides written notice to the employer of the provision of this chapter alleged to have been violated and all facts supporting the alleged violation; and

   b. The employer is provided 15 days from receipt of that written notice to cure any alleged violation.
B. City enforcement.
   
   1. A violation of this chapter is not subject to criminal sanctions, but is subject to enforcement under section 1.28.010.
   
   2. The city may file a civil action to recover any employer financial assistance due to the city pursuant to section 5.160.040.

5.160.090 Sunset.

A. Except as provided in subsection B, this chapter has no effect after December 31, 2020. The city will evaluate the impacts and effects of this chapter within 90 days of its effective date.

B. An employee may bring an action, or continue to pursue any of the remedies described in section 5.160.080, after December 31, 2020 if the alleged violation occurred before January 1, 2021.

5.160.100 Time for implementation.

The employer obligations set forth in this chapter take effect 15 days after the effective date of this chapter.


5.160.200 Safety practices and protocols.

An employer shall implement, as applicable, the following physical-distancing, mitigation, and cleaning protocols and practices:

A. Daily cleaning and disinfection of high-touch areas in accordance with guidelines issued by the Centers for Disease Control and Prevention.

B. Maintenance of cleaning protocols established by the employer for all other areas of the employment site.

C. Establish protocols for action upon discovery that the employment site has been exposed to a person who is a probable or confirmed case of COVID-19.

D. Providing employees access to regular handwashing with soap, hand sanitizer, and disinfectant wipes.

E. Cleaning of common areas – including break rooms, locker rooms, dining facilities, rest rooms, conference rooms, and training rooms – daily and between shifts.
F. Providing face coverings for employees to wear during their time at the employment site, and mandating their wear while on the site, except to the extent an employee can maintain physical distance of six feet from other persons or is using break time to eat or drink, in accordance with the guidance from the Centers for Disease Control and Prevention. Employers shall establish protocols specifically regarding how it will ensure proper physical distancing.

G. informing all employees of the required protocols and practices in this section, in writing, in English and any language spoken by at least 10% of the employees who are at the work site.

5.160.210 Lesser obligations for certain off-site conditions.

For employees working at worksites that are not owned, maintained, leased, or controlled by their employer, the employer is not in violation of subsections A, B, or E of section 5.160.200 if the employer has taken steps to contact the entity that owns, maintains, leases, or controls that other worksite to encourage compliance with those provisions.

Article III Supplemental Paid Sick Leave.

5.160.300 Covered employers.

A. This article applies only to EPSLA-exempt employers with 500 or more employees nationally.

B. An EPSLA-exempt employer of an employee who is a health care provider or an emergency responder (as each term is defined in 29 C.F.R. § 826.30(c), as it may be amended) may exclude those employees from the requirements of this article.

5.160.310 Employer obligation to provide supplemental paid sick leave.

A. An employer covered by this article shall provide to each employee the SPSL described in this article.

B. SPSL is in addition to any other paid sick leave, paid time off, or vacation time that an employer currently provides to an employee by statute, policy, or collective bargaining agreement.

C. Nothing in this article limits an employer from providing other or additional paid time off to an employee.

5.160.320 Supplemental paid sick leave hours.
A. Full-time employees. A full-time employee is entitled to 80 hours of SPSL under this chapter.

B. Part-time employees. A part-time employee is entitled to an amount of SPSL hours equal to the number of hours worked on average over a two-week period. In calculating this average, the employer shall use the number of hours worked by the employee for each week the employee worked during the six months immediately preceding the effective date of this chapter, multiplied by two.

C. Employer offsets.
   1. If an employer has granted additional paid sick leave (beyond any paid sick leave, paid time off, or vacation time afforded an employee by statute, policy, or collective bargaining agreement) since March 19, 2020 specifically for use for COVID-19-related matters described in section 5.160.330.B, the employer may use those leave hours as a credit against the number of SPSL hours required by this section.

   2. If an employee is entitled to leave hours pursuant to the Governor’s Executive Order N-51-20, the employer may use those leave hours as a credit against the number of SPSL hours required by this section.

5.160.330 Scope of benefit.

A. The SPSL described in this article is subject to the requirements of this section.

B. SPSL use. An employee who is unable to work or telework may use SPSL due to the following:
   1. The employee is subject to quarantine or isolation by federal, state, or local order due to COVID-19, or is caring for a family member who is quarantined or isolated due to COVID-19.

   2. The employee is advised by a health care provider to self-quarantine due to COVID-19 or is caring for a family member who is so advised by a health-care provider.

   3. The employee chooses to take off work because the employee is over the age of 65 years or is considered vulnerable due to a compromised immune system.

   4. The employee is off work because the employer it works for or specific work location temporarily ceases operation due to a public health order or other public official’s recommendation.
5. The employee is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

6. The employee is caring for a minor child because a school or daycare is closed due to COVID-19.

C. Rate of SPSEL pay; maximum monetary benefit.

1. Except as provided in subsections 2 and 3, below, an employer shall pay an employee for properly used SPSEL at the employee’s regular rate of pay.

2. Notwithstanding subsection 1, above, the maximum amount an employer is obligated to pay for SPSEL is (a) $511 per day, and (b) an aggregate of $5,110 for the entire benefit.

3. Notwithstanding subsections 1 and 2, above, for an employee who uses SPSEL to care for a family member, the employer may pay two-thirds of the employee’s regular rate of pay, with a maximum employer obligation of $200 per day and an aggregate of $2,000 for the entire benefit.

D. Additional employer restrictions.

1. An employer may not require an employee to use other accrued paid sick leave, paid time off, or vacation time before using SPSEL.

2. An employer may not require an employee to find a replacement as a condition of using SPSEL.

3. An employer may not issue any discipline or attendance points based on a no-fault attendance policy for an employee’s use of SPSEL.

E. Additional employee restrictions.

1. If requested by the employer, the employee shall provide the employer the basis for requesting SPSEL; provided, however, that a doctor’s note or other documentation is not required.

2. An employer may require the employee to follow reasonable notice procedures before providing SPSEL, but only when the employee’s need for the SPSEL is foreseeable.

F. Unused SPSEL. An employee is not entitled, under any circumstances, to be paid for unused SPSEL. Unused SPSEL expires when this chapter sunsets.

SECTION 2. Severability.

If any portion, section, subsection, paragraph, subparagraph, sentence, clause, or application of this ordinance is held invalid or inapplicable by a final judgment of a court of competent
jurisdiction, such decision shall not affect the validity or applicability of any other part of this ordinance. Consistent with the foregoing, the provisions and applications of this ordinance shall be deemed severable, and each portion, section, subsection, paragraph, subparagraph, sentence, clause, or application of this ordinance would have been enacted irrespective of the fact that one or more other parts or applications is found to be invalid or inapplicable.

SECTION 3. Emergency Declaration.

The City Council declares this ordinance to be an emergency measure, to take effect immediately upon its adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are set forth in Section 1, above.

Adopted by the City of Sacramento City Council on June 30, 2020, by the following vote:

Ayes: Members Ashby, Guerra, Hansen, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: Members Harris, Carr

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
Published: To be published in its entirety
Effective: June 30, 2020
ORDINANCE NO. 2020-0027

Adopted by the Sacramento City Council

June 30, 2020

An Ordinance Amending the Temporary Moratorium on Evicting Commercial Tenants and Declaring the Ordinance to be an Emergency Measure to Take Effect Immediately Upon Adoption

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The City Council finds and declares as follows:

A. On March 4, 2020, the Governor declared a State of Emergency in California due to the threat of Coronavirus Disease 2019 (“COVID-19”). On March 5, 2020, the Sacramento County Public Health Officer declared a public health emergency in Sacramento County due to COVID-19, and on March 19, 2020 issued an order of the County Health Officer to Stay At Home or Place of Residence, which imposed strong restrictions on the activities of persons and the operation of businesses throughout the county.

B. On March 16, 2020, the Governor issued Executive Order N-28-20. The order suspended any state law that would preempt or otherwise restrict the city’s exercise of its police power to impose substantive limitations on evictions based on nonpayment of rent resulting from the impacts of COVID-19.

C. On March 24, 2020, the city council adopted Sacramento City Ordinance No. 2020-0017, establishing a moratorium on commercial evictions due to nonpayment of rent during the COVID-19 emergency.

D. On May 8, 2020, the Governor announced that the State of California was entering the beginning of State 2 of the COVID-19 recovery process. This allowed expanded retail businesses with curbside pickup and delivery only, and associated manufacturing and supply-chain businesses to reopen and begin conducting business consistent with social-distancing requirements. The Governor also announced a variance process to allow local jurisdictions to accelerate through the phases of Stage 2, which approval Sacramento County received from the California Department of Public Health on May 20, 2020.

E. On May 29, 2020, the Governor issued Executive Order N-66-20, which extended the protections set forth in Executive Order N-28-20 an additional 60 days.

F. On June 12, 2020, the Sacramento County Public Health Officer issued a
new order to relax restrictions on low-risk businesses consistent with the direction from
the State of California Public Health Officer to proceed into later phases of Stage 2 and
into Stage 3. This new order allows dine-in restaurants, bars and wineries, retail stores,
personal care services, entertainment, gyms, and other retail services to re-open. As a
result, retail tenants will be able to resume operations, but will still be subject to social-
distancing requirements that may limit patronage and revenues.

G. City Ordinance 2020-0017 provided commercial tenants with a short-term
protection from eviction due to the inability to pay rent and helped avoid further business
closures and job losses. Even with the re-opening of retail businesses as allowed by the
County Public Health Officer, tenants need time to recoup their losses and generate
income in order to pay rent.

SECTION 2. Moratorium on commercial tenant evictions due to non-payment of rent.

A. Sacramento City Ordinance No. 2020-0015 (as amended by Ordinance No. 2020-
0017) is amended as follows:

1. Subsection 2.B is amended to read as follows:

   B. This ordinance applies to all residential tenants and to commercial tenants
   that are retail businesses located on the first floor of buildings.

2. Subsection D.3 is added to read as follows:

   3. As of July 1, 2020, the term “commercial tenant” means a retail business
that is an adult entertainment business, alcoholic beverage sales
establishment, amusement center, athletic club, auto rental, auto repair,
auto sales, bar, cannabis dispensary, cardroom, check cashing center,
child care center, cinema, commercial service, community market, drive-
through restaurant, equipment rental, equipment sales, firearms
business, fitness studio, gas station, laundromat, mobile home sales,
nightclub, plant nursery, retail store, superstore, theater, tobacco
retailing, and wholesale store.

3. Section 4 is amended to read as follows:

   Residential tenants who were afforded eviction protection under
Section 2.C of this ordinance shall have up to 120 days after the
expiration of the Governor’s Executive Order N-28-20, including any
extensions, to pay their landlord all unpaid rent without any related
late fees. During that 120-day period, the protections against eviction
found in Section 2.C of this ordinance apply for residential tenants.

   Commercial tenants that are not retail businesses identified in Section
2.D.3 who were afforded eviction protection under Section 2.C of this ordinance shall have 120 days after June 30, 2020 to pay their landlord all unpaid rent without any related late fees. During that 120-day period, the protections against eviction found in Section 2.C of this ordinance apply for commercial tenants.

Retail businesses identified in Section 2.D.3 who were who were afforded eviction protection under Section 2.C of this ordinance shall have up to 120 days after the expiration of the Governor’s Executive Order N-28-20, including any extensions, to pay their landlord all unpaid rent without any related late fees. During that 120-day period, the protections against eviction found in Section 2.C of this ordinance apply for retail tenants.

B. Except as amended by subsection A above, all provisions of Ordinance No. 2020-0015 (as amended by Ordinance No. 2020-0017) remain unchanged and in full effect.

SECTION 3. Effective Date.

This ordinance takes effect immediately upon adoption.

SECTION 4. Emergency Declaration.

The city council declares this ordinance to be an emergency measure, to take effect immediately upon adoption pursuant to Sacramento City Charter section 32(g)(2). The facts constituting the emergency are as follows:

The state and local public health orders to contain the spread of COVID-19 prohibited or severely restricted operations of retail tenants during Stage 1 and Stage 2, resulting in temporary business closures and limited patronage, thereby significantly reducing revenues needed to pay rent. To protect the public health, safety, and welfare, the city must act to prevent eviction of retail tenants who are unable to pay rent due to revenue losses caused by the effects of COVID-19. An emergency measure is necessary to protect retail tenants from eviction for a temporary period to allow such tenants time to generate revenue in order to afford to pay rent.
Adopted by the City of Sacramento City Council on June 30, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Passed for Publication: Not applicable
Published: To be published in its entirety
Effective: June 30, 2020
Motion No. 2020-0181 CARES Act Relief Fund Framework for Creative Economy Recovery Program (COVID-19)

CARES Act Relief Fund Framework for Creative Economy Recovery Program (COVID-19)
File ID: 2020-00774
Location: Citywide

Action: Moved/Seconded: Member Hansen / Member Guerra.
Yes: Members Angelique Ashby, Eric Guerra, Steve Hansen, Jeff Harris, Rick Jennings, Jay Scherirer, Allen Warren, and Mayor Darrell Steinberg.
Absent: Member Larry Carr.

Action: 1) Reviewed, discussed, and took action regarding the Coronavirus Aid, Relief and Economic Security (CARES) Act Creative Economy Recovery Program; and 2) passed Motion No. 2020-0181 as amended: a) authorizing the City Manager, City Attorney, City Auditor, City Treasurer, and City Clerk to take all actions necessary to implement the Creative Economy Recovery Program; and b) authorizing the City Manager to modify the terms of the Creative Economy Recovery Program as long as the modifications do not increase the total program funding amount of $7.5 million dollars.

Contact: Raymond Gargano, Arts Program Coordinator, (916) 808-3986, Mandylyn Timoteo, Administrative Analyst, (916) 808-3982; Jody Ulich, Director, (916) 808-5105, Convention and Cultural Services Department

Source: Draft Minutes for the June 30, 2020 City Council Meeting.
Resolution No. 2020-0265 CARES Act Relief Fund for Creative Economy Recovery Program: Accept Additional Grant Funding

RESOLUTION NO. 2020-0265

Adopted by the Sacramento City Council

August 18, 2020

CARES Act Relief Fund for Creative Economy Recovery Program: Accept Additional Grant Funding

BACKGROUND

A. On May 26, 2020, City Council committed $28 million in CRF to support immediate local economic relief services and programs for residents and businesses. Included in the $28 million was an allocation of $5 million for the Creative Economy Recovery Program.

B. On June 30, 2020, City Council approved an additional $2.5 million making the total CRF fund allocated to the Creative Economy Recovery Program $7.5 million.

C. The Creative Economy Recovery Program will provide financial and technical assistance directly to support the arts, tourism, and creative economy that have been devastated by the current pandemic.

D. To be consistent with City policy, a resolution is required for all budgetary adjustments.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Increase the budget in the Creative Economy Recovery Program by $2.5 million from the CARES Act program (6026101000) in Federal CARES Act Fund (Fund 2704) making the total funding allocated to the Creative Economy Recovery Program $7.5 million.
Adopted by the City of Sacramento City Council on August 18, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: Member Jennings

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
RESOLUTION NO. 2020-0266

Adopted by the Sacramento City Council

August 18, 2020

CARES Act Framework and Funding Priorities; Establish Sac Childcare Learning and Student Support Program

BACKGROUND


B. On March 5, 2020, the County of Sacramento proclaimed a public health emergency as a result of the threat of COVID-19 in the county.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the pandemic.

D. On April 21, 2020, the City received $89.6 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act.

E. On May 12, 2020, the City Council held a workshop to discuss a Coronavirus Relief Fund (CRF) framework and funding priorities for expenditure of the $89.6 million. During the workshop, Council and stakeholders expressed overall interest in funding programs and projects that, among other things, provide small business assistance, get people back to work, offer opportunities for youth enrichment, address homelessness and housing issues, and support the arts and tourism industries that were directly impacted by this pandemic.

F. On May 26, 2020, City Council committed $28 million in CRF to support immediate local economic relief services and programs for residents and adopted a general framework proposed by the Mayor for funding priorities.

G. On May 26, 2020, City Council also directed the City Manager to continue to identify and prepare CRF funding recommendations.

H. Education experts are stating COVID-19 related extended departure from in-classroom learning is having an enormous negative impact, particularly for vulnerable students. Fall learning opportunities and interventions that mitigate COVID-19 related learning loss and address students’ social emotional learning are an immediate and urgent need. If left unaddressed, these impacts will increase academic achievement gaps, social isolation, and overall educational inequity citywide.
I. Leveraging and enhancing childcare/extended learning model, the Sac Childcare Learning and Student Support (CLASS) program, through the Youth, Parks, & Community Enrichment Department (YPCE), would offer a free, safe, and structured day similar to a K-6 school day to fill in the gaps left by lack of in-person instruction, and supporting children who need the routines of school.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: The Sac Childcare Learning and Student Support Program is approved.

Section 2: The City Manager or the City Manager’s designee is authorized to establish a $1,460,000 budget for the Sac Childcare Learning and Student Support Program in the CARES Act Program (G02610100) with a transfer of $1,460,000 from the Youth Enrichment Program in the Federal CARES Act Fund (Fund 2704).

Adopted by the City of Sacramento City Council on August 18, 2020, by the following vote.

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Schenirer, Warren and Mayor Steinberg

Nees: None

Abstain: None

Absent: Member Jennings

Attest: Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Resolution 2020-0266  August 18, 2020  Page 2 of 2
Resolution No. 2020-0267 Establish Digital Equity Response Program; Execute a CARES Act Grant Agreement

RESOLUTION NO. 2020-0267

 Adopted by the Sacramento City Council

August 18, 2020

Establish Digital Equity Response Program; Execute a CARES Act Grant Agreement

BACKGROUND


B. On March 5, 2020, the County of Sacramento proclaimed a public health emergency as a result of the threat of COVID-19 in the county.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the pandemic.

D. On April 21, 2020, the City received $89.6 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act.

E. On May 12, 2020, the City Council held a workshop to discuss a Coronavirus Relief Fund (CRF) framework and funding priorities for expenditure of the $89.6 million. During the workshop, Council and stakeholders expressed overall interest in funding programs and projects that, among other things, provide small business assistance, get people back to work, offer opportunities for youth enrichment, address homelessness and housing issues, and support the arts and tourism industries that were directly impacted by this pandemic.

F. On May 26, 2020, City Council committed $28 million in CRF to support immediate local economic relief services and programs for residents and adopted a general framework proposed by the Mayor for funding priorities.

G. On May 26, 2020, City Council also directed the City Manager to continue to identify and prepare CRF funding recommendations.

H. Many households and individuals in Sacramento face unprecedented challenges due to the isolation and economic conditions arising from efforts to reduce the number and severity of COVID-19 infections. Some individuals and households have been isolated from resources, services, and social emotional support by the public health orders due to lack of access to digital resources. The Sacramento Digital Equity Response program
will specifically target individuals who lack adequate access and resources due to COVID-19, have needs unmet by existing resources, and face economic barriers to digital resources and knowledge.

I. On July 29, 2020, staff issued a Notice of Funding Availability (NOFA) and Request for Applications inviting organizations to submit proposals to implement the City’s Digital Equity Response Program. Six organizations submitted proposals to the NOFA. Staff evaluated the proposals and determined that United Way California Capital Region’s proposal best met the City’s requirements for implementing this program.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: The Digital Equity Response Program is approved.

Section 2: The City Manager or the City Manager’s designee is authorized to transfer $750,000 to the Digital Equity Response Program (G02610100) from the Digital Divide Program in the Federal CARES Act Fund (Fund 2704).

Section 3. The City Manager or City Manager’s designee is authorized to negotiate, with the assistance of counsel, and execute a CARES Act grant agreement with United Way California Capital Region in the amount not to exceed $750,000 for the implementation of the City’s Digital Equity Response Program, consistent with the program description provided.

Adopted by the City of Sacramento City Council on August 18, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Schenirer, Warren and Mayor Steinberg

Noes: None

Abstain: None

Absent: Member Jennings

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.

Resolution 2020-0267 August 18, 2020 Page 2 of 2

RESOLUTION NO. 2020-0268

Adopted by the Sacramento City Council

August 18, 2020


BACKGROUND


B. On March 5, 2020, the County of Sacramento proclaimed a public health emergency as a result of the threat of COVID-19 (pandemic) in the county, and on May 26, 2020, the County of Sacramento amended that proclamation.

C. On March 13, 2020, the City Council adopted a resolution declaring a local emergency relating to the pandemic.

D. On April 7, 2020, the City Council adopted the Sacramento COVID-19 Homelessness Response Plan that allocated funding and support to address the need to provide medical, shelter, meals, transportation, outreach and other critical services to the County’s most vulnerable population experiencing homeless who are most at risk of the complications of COVID-19 and to reduce the spread of COVID-19 amongst both sheltered and unsheltered populations.

E. On April 21, 2020, the City received $89.6 million from the Coronavirus Aid, Relief and Economic Security (CARES) Act.

F. On May 12, 2020, the City Council held a workshop to discuss a Coronavirus Relief Fund (CRF) framework and funding priorities for expenditure of the $89.6 million. During the workshop Council expressed overall interest in funding programs and projects that, among other things, provide small business assistance, get people back to work, offer opportunities for youth enrichment, address homelessness and housing issues, and support the arts and tourism industries that were directly impacted by this pandemic.
G. On May 26, 2020, the City Council adopted a resolution authorizing the City Manager to establish recommendations for appropriation of the CRF consistent with the Mayor’s CARES Act Framework and Funding Priorities letter from May 12, 2020; one of those priorities is the Homeless and Rapid Re-Housing projects.

H. On July 8, 2020, the Sacramento Continuum of Care Board heard the proposed amendments to the COVID-19 Homelessness Response Plan.

I. On July 11, 2020, the Sacramento County Board of Supervisors approved the amendments to the COVID-19 Homelessness Response Plan.

J. On July 14, 2020, Dr. Peter Beilenson and Dr. Olivia Kasirye with the Sacramento County Department of Health Care Services (DHS) submitted a memo requesting that, given the recent rise in new cases, the sheltering and re-housing activities of the COVID-19 Homelessness Response Team be prioritized and extended.

K. As of August 14, 2020, 522 motel rooms and 59 trailers have been utilized for quarantine and isolation centers and have served 1,028 persons under the Sacramento COVID-19 Homelessness Response Plan.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

Section 1. The Amended Homelessness COVID-19 Response Team Plan is approved and the immediate implementation of the plan is authorized to provide immediate and critical interventions and services needed in response to the COVID-19 health crisis.

Section 2. The Homelessness & Rapid Re-housing Recovery Program and Funding Plan included as Exhibit A to this resolution are approved.

Section 3. The City Manager or his designee is authorized to transfer $7,616,166 from the CARES Act Program (G02610100) in the Federal CARES Act Fund (Fund 2704) to establish the COVID-19 Homeless Response Program (G02001700), including revenue and expenditure budgets.

Section 4. The City Manager or his designee is authorized to increase the revenue and expenditure budgets for the Homeless Housing Program (IO2000200) by transferring $4,633,834 from the CARES Act Program (G02610100) in the Federal CARES Act Fund (Fund 2704).

Section 5. The City suspends competitive bidding in the best interests in the City of Sacramento for the Homelessness Response Plan and rehousing activities.
Section 6. The City Manager, or the City Manager’s designee, is authorized to amend or enter into new contractual agreements with homeless service providers and agencies who can provide critical services outlined in the Amended Homelessness COVID-19 Response Team Plan.

Section 7. The City Manager, or the City Manager’s designee, is authorized to amend or enter into agreements with Sacramento County to transfer funding and implementation responsibility for the provision of critical services outlined in the Amended Homelessness COVID-19 Response Team Plan.

Section 8. SHRA is directed to take all actions necessary to allocate $3.4 million in Emergency Solutions Grant (ESG) funding from the Federal CARES Act to fund re-housing activities noted in the Amended Sacramento COVID-19 Homelessness Response Plan and to transfer $2,596,577 in Emergency Solutions Grant (ESG) funding from the Federal CARES Act to the City to fund the Downtown Streets Team and North 5th Street Shelter projects.

Section 9. The City Manager or the City Manager’s designee is authorized to carry out the necessary procurement processes for the approved activities and execute the necessary agreements to implement the programs identified in the Homelessness and Rapid Re-Housing Recovery Program and funding plan included as Exhibit A.

Section 10. The City Manager or the City Manager’s designee is authorized to execute a supplemental agreement with Goodwill Industries of Sacramento Valley & Northern Nevada, Inc. to extend services through September 30, 2020 and increase the not-to-exceed amount by $305,963, with an option to extend services for another term between October 1, 2020 through December 31, 2020 for an additional not-to-exceed amount of $305,963, making the new total not-to-exceed amount $850,881.

Table of Contents:
Exhibit A - Homelessness and Rapid Re-Housing Recovery Program
Adopted by the City of Sacramento City Council on August 18, 2020, by the following vote:

Ayes: Members Ashby, Carr, Guerra, Hansen, Harris, Jennings, Schenirer, Warren and Mayor Steinberg

Nees: None

Abstain: None

Absent: None

Attest: Mindy Cuppy

Mindy Cuppy, City Clerk

The presence of an electronic signature certifies that the foregoing is a true and correct copy as approved by the Sacramento City Council.
### Exhibit A: Homelessness and Rapid Re-Housing Recovery Program - All Sources and Uses

<table>
<thead>
<tr>
<th>Program/Project</th>
<th>Lead Entity</th>
<th>Estimated Impact</th>
<th>Funding Sources $</th>
<th></th>
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<td>Tier 1: Existing Commitments</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City of Refuge &amp; Saint John’s Transitional Programs</td>
<td>City</td>
<td>approx. 66 beds</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Emergency Homeless Encampment Cleanup</td>
<td>City</td>
<td>Citywide PW contract</td>
<td>$918,000</td>
<td>$918,000</td>
</tr>
<tr>
<td>Housing for Essential Staff (Hotel Rooms)</td>
<td>City</td>
<td>Citywide staff resource</td>
<td>$250,000</td>
<td>$250,000</td>
</tr>
<tr>
<td>Mayor’s Tiny Home Initiative</td>
<td>Unknown</td>
<td>up to 50 tiny homes</td>
<td>$4,000,000</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Meth Sobering Center</td>
<td>City</td>
<td>20 beds, 24/7</td>
<td>$1,179,000</td>
<td>$1,179,000</td>
</tr>
<tr>
<td>Rental Mediation</td>
<td>City</td>
<td>800-1,100 services</td>
<td>$150,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>Response Plan Quarantine Motel Extension (Aug-Dec)</td>
<td>City/County</td>
<td>share of 494 rooms</td>
<td>$1,150,000</td>
<td>$1,150,000</td>
</tr>
<tr>
<td>Balance after Tier 1 commitments</td>
<td></td>
<td></td>
<td>$2,869,083</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Tier 2: Priority Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>City portion of mobile &amp; trailers under Romery (Apr-Jul)</td>
<td>City/County</td>
<td>“whip” of CDBGs</td>
<td>$2,783,834</td>
<td>$2,783,834</td>
</tr>
<tr>
<td>Downtown Streets Team (current contract ends 2/2021)</td>
<td>City</td>
<td>1 year, 2 teams</td>
<td>$950,000</td>
<td>$950,000</td>
</tr>
<tr>
<td>Homelessness Prevention Program</td>
<td>HRA</td>
<td>up to 1,000 households</td>
<td>$4,701,166</td>
<td>$4,701,166</td>
</tr>
<tr>
<td>HAP Re-Housing for COVID-19</td>
<td>City/County</td>
<td>200 HAP re-housed</td>
<td>$4,400,000</td>
<td>$4,400,000</td>
</tr>
<tr>
<td>Manufactured Units</td>
<td>City</td>
<td>81 units, 61 beds</td>
<td>$2,263,000</td>
<td>$2,263,000</td>
</tr>
<tr>
<td>Metal Acquisition/Conversion/Operation</td>
<td>HRA</td>
<td>201 units, 25 years</td>
<td>$2,783,834</td>
<td>$2,783,834</td>
</tr>
<tr>
<td>North 5th Street Navigation Center</td>
<td>City</td>
<td>104 beds, 18 months</td>
<td>$2,245,577</td>
<td>$2,245,577</td>
</tr>
<tr>
<td>Shelter Administration</td>
<td>HRA</td>
<td></td>
<td>$350,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>CDBG-III Administration</td>
<td>HRA</td>
<td></td>
<td>$350,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>HHAP-III Administration</td>
<td>HRA</td>
<td></td>
<td>$350,000</td>
<td>$350,000</td>
</tr>
<tr>
<td>Balance after Tier 1 and Tier 2 commitments</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Tier 3a: Potential New Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expanded Shelter/Facility Shelters</td>
<td>City</td>
<td>30 new beds</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Foreclosure Prevention Services</td>
<td>City</td>
<td>100 households</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Habitat for Humanity</td>
<td>City</td>
<td>70 individuals</td>
<td>eligible</td>
<td>not eligible</td>
</tr>
<tr>
<td>Home Repair Program</td>
<td>City</td>
<td>25-35 households</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Outreach Expansion Commercial Corridors</td>
<td>City</td>
<td>1 year contract</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Scattered Transitional Housing Program (House of Traitors)</td>
<td>City</td>
<td>56 households</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Targeted Outreach Services in Remote District</td>
<td>City</td>
<td>Clinical services</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Transitional Housing Program (Salvation Army)</td>
<td>City</td>
<td>30 beds, Sept-Dec</td>
<td>not eligible</td>
<td>not eligible</td>
</tr>
<tr>
<td>Tier 3b: Existing Projects with Funding Gaps/Needs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Existing Shelter/Facility Shelters (funding ends 9/2021)</td>
<td>City</td>
<td>40 beds (annual cost)</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Meadowlark Navigation Center (funding ends 9/2022)</td>
<td>HRA</td>
<td>100 beds (annual cost)</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Fontain Key Motel/Trailer Extension through Spring 2021</td>
<td>City/County</td>
<td>100 rooms to 4/2021</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>W/N Navigation Center (funding ends 2022)</td>
<td>HRA</td>
<td>100 beds (annual cost)</td>
<td>not eligible</td>
<td>eligible</td>
</tr>
<tr>
<td>Total Needed For Tier 3 Projects</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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1. Additional sources may be available through local affordable housing funds, Project HOME, CDBG, etc.
2. HHAP-III is an estimate of total amount available. While some of the priority projects could theoretically be funded out of HHAP-III (quarantine motels and HAP), the funding is needed sooner than HHAP-III will be available. Note that some projects, shown as HHAP-III "eligible" in Tier 3 may not align due to unknown timing for the HHAP-III funding allocation.
3. Based on current contract amounts, the breakdown between providers is $284,889 for City of Refuge and $715,111 for Saint John.
4. Carbon has applied that this is potentially eligible if a clear connection can be made to COVID.

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