



TO: Mayor and Councilmembers

FROM: Michelle Greene, City Manager

CONTACT: Peter T. Imhof, Planning and Environmental Review Director
Stephanie Spieler, City Building Official

SUBJECT: Resolution Implementing Construction Safety Measures to Prevent the Spread of COVID-19

RECOMMENDATION:

Adopt Resolution 20-____ entitled “A Resolution of the City Council of the City of Goleta, California Implementing Construction Safety Measures to Prevent the Spread of COVID-19.”

BACKGROUND:

On March 12, 2020, the Santa Barbara County Public Health Officer declared a local and public health emergency in response to increased COVID-19 spread across the country and Santa Barbara County.

The Centers for Disease Control and Prevention, the California Department of Health, and the Santa Barbara County Department of Public Health have all issued orders and recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.

On March 17, 2020, the City Council adopted Resolution 20-18, which ratified the City Manager’s emergency declaration and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from the COVID-19 pandemic. (Later expanded to include a prohibition on foreclosures on April 21, 2020, Ordinance No. 20-07U.)

On March 19, 2020, the Governor issued Executive Order 33-20, which ordered all residents to immediately heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors

and additional sectors that the State Public Health Officer may designate as critical to protect the health and well-being of all Californians.

Executive Order 33-20 designated “Construction Workers who support the construction, operation, inspection, and maintenance of construction sites and construction projects (including housing construction)” as part of the essential workforce needed to maintain continuity of operations of essential critical infrastructure sectors. As a result, construction workers are excepted from the Governor’s stay at home order and allowed to continue to work.

On April 5, 2020, the Santa Barbara County Public Health Officer issued a second, countywide order, the Stay Well at Home Order. This public health order prohibits all public and private group gatherings and events and requires people to stay in their homes with limited exceptions and requires closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order is to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stop or slow the spread of the virus.

Notwithstanding the County and State orders and social distancing public health guidance to slow the spread of the virus, the City has received numerous complaints about, and City staff have personally witnessed, failure to socially distance at construction sites.

DISCUSSION:

While construction is identified as an essential activity, construction work must be done in a safe manner that is consistent with public health directives and guidance. Because of the nature of construction work, construction sites face special challenges in maintaining social distancing, such as work in confined spaces by different trades, where people may be in close proximity to one another, and use of shared tools.

Protective measures are therefore needed on construction sites to limit the potential for transmission of novel coronavirus COVID-19. This virus, which causes severe acute respiratory illness and can result in severe illness and death, can be transmitted through the air and by contact with surfaces. The virus is particularly insidious because some carriers of the virus may show no symptoms.

Other California cities, such as the City of West Hollywood, have issued local orders implementing safety measures at construction sites to prevent the spread of COVID-19.

On April 24, 2020, the City Manager, acting as the Director of Emergency Services, executed an emergency order to impose construction safety measures as an exercise of her authority under Chapter 2.10 of the Goleta Municipal Code. Staff is requesting that the Council ratify the City Manager’s order implementing construction safety measures to prevent the spread of COVID-19. To ensure safe working conditions and limit the potential for the spread of illness, the City Manager’s order imposes the following requirements at construction sites:

1. Handwashing facilities or hand sanitizer shall be installed at entrances to construction projects (unless the work is being conducted in an occupied building with operable restrooms in which case sinks are available for handwashing).
2. Shared tools and equipment shall be regularly sanitized.
3. Signage shall be posted at entrances to construction projects or common areas where work is occurring in an occupied building to instruct workers of social distancing and sanitation requirements, and workers who are sick or exhibit symptoms of being ill or those in recent close contact with someone exposed to COVID-19 shall not be present on the work site. Santa Barbara County Department of Public Health standards for social distancing shall apply.
4. Face coverings shall be worn by all persons present at the construction site, and when necessary, OSHA regulations for personal protective equipment for the activity being performed shall be followed.
5. Workers shall not gather in groups larger than three during breaks and shall maintain a six-foot social distance during such breaks.
6. "Choke points" and "high-risk areas" shall be identified where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and they shall be controlled so social distancing is maintained, to the extent practicable.
7. Interactions when picking up or delivering equipment or materials shall be minimized to allow social distancing.
8. The trades shall be staggered as necessary to reduce density and maintain social distancing.

As provided for in the order, failure to abide by these requirements may result in issuance of a stop work order by the Building Official for unsafe and dangerous practices or any other legal remedy available by law.

This order would terminate at the (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council.

FISCAL IMPACTS:

There is no direct fiscal impact from adopting the resolution.

ALTERNATIVES:

The City Council could choose to not ratify the Emergency Order 20-02, at which point the City Manager's order would become null.

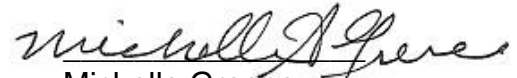
Reviewed By:

Legal Review By:

Approved By:


Kristine Schmidt
Assistant City Manager


Michael Jenkins
City Attorney


Michelle Greene
City Manager

ATTACHMENTS:

1. Resolution No. 20- ____ entitled "Resolution of the City Council of the City of Goleta Implementing Construction Safety Measures to Prevent the Spread of COVID-19."
2. Emergency Order No. 20-02 entitled "An Emergency Order of the Director of Emergency Services of the City of Goleta, California, Implementing Construction Safety Measures to Prevent the Spread of COVID-19."

ATTACHMENT 1:

Resolution No. 20- ____ entitled “Resolution of the City Council of the City of Goleta Implementing Construction Safety Measures to Prevent the Spread of COVID-19.”

RESOLUTION NO. 20-__

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA,
CALIFORNIA IMPLEMENTING CONSTRUCTION SAFETY
MEASURES TO PREVENT THE SPREAD OF COVID-19**

The City Council of the City of Goleta does hereby find, order and
resolve as follows:

SECTION 1. For the reasons set forth in the order, Emergency Order 20-02 dated April 24, 2020 issued by the Director of Emergency Services implementing safety measures to require safe practices at construction sites to prevent the spread of COVID-19 is ratified.

SECTION 2.

The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 5th day of May 2020.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MICHAEL JENKINS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, DO
HEREBY CERTIFY that the foregoing Resolution No. 20-__ was duly adopted by
the City Council of the City of Goleta at a regular meeting held on the 5th day of
May 2020, by the following roll call vote of the City Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

ATTACHMENT 2

Emergency Order No. 20-02 entitled "An Emergency Order of the Director of Emergency Services of the City of Goleta, California, Implementing Construction Safety Measures to Prevent the Spread of COVID-19."

EMERGENCY ORDER NO. 20-02

**AN EMERGENCY ORDER OF THE DIRECTOR OF
EMERGENCY SERVICES OF THE CITY OF GOLETA,
CALIFORNIA, IMPLEMENTING CONSTRUCTION SAFETY
MEASURES TO PREVENT THE SPREAD OF COVID-19**

The Director of Emergency Services of the City of Goleta does hereby find as follows:

SECTION 1. Recitals.

A. International, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes which has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19").

B. On March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for a broader spread of COVID-19.

C. On March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19.

D. On March 17, 2020, the City Council adopted Resolution 20-18 which ratified the City Manager's emergency declaration and imposed attendant orders to close restaurants, gyms, movie theaters and the like; to prohibit the use of City play structures and exercise equipment in its parks; and to prohibit residential and commercial evictions based on nonpayment of rent due to loss of income from the COVID-19 pandemic.

E. On March 12, 2020, the Santa Barbara County Public Health Officer declared a local and public health emergency in response to increased COVID-19 spread across the country and Santa Barbara County.

F. The Centers for Disease Control and Prevention, the California Department of Health, and the Santa Barbara County Department of Public Health have all issued recommendations including but not limited to strict adherence to social distancing guidelines, canceling or postponing group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus. Other counties throughout the state have similar directives.

G. On April 5, 2020 the Santa Barbara County Public Health Officer issued a second countywide order, the Stay Well at Home Order. This public health order prohibits all public and private group gatherings and events and requires people to stay in their homes with limited exceptions; and requires closure of all non-essential retail businesses, shopping centers, playgrounds for children, bars, nightclubs, movie theaters and all similar gathering places. The purpose of the order is to further restrict, and limit gathering of persons and require closures of non-essential retail businesses in an effort to stem or slow the spread of the virus.

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

I. Notwithstanding the County and State orders and social distancing public health guidance to slow the spread of the virus, the City has received numerous complaints about, and city staff have personally witnessed, failure to socially distance at city parks and construction sites. While construction is identified as an essential activity, the work must be done in a safe manner that is consistent with public health directives and guidance. Face coverings are deemed an appropriate method to protect others from the spread of the virus, as carriers of the virus may show no symptoms and should be worn at construction sites where people may be in close proximity to one another.

J. Failure to abide by public health directives is unsafe and dangerous in this unprecedented time of a worldwide health pandemic.

K. This Order is an exercise of the Director of Emergency Services' emergency powers as provided for under State law and Chapter 2.10 of the Goleta Municipal Code, is temporary in nature and is intended to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this Order includes measures to require safe practices at construction sites to slow the spread of COVID-19.

L. The City Council of the City of Goleta is not in session (and cannot immediately be called into session).

SECTION 2. The Director of Emergency Services hereby orders: Construction sites shall follow the following requirements. Failure to abide by these requirements may result in issuance of a stop work order by the Building Official for unsafe and dangerous practices, or any other legal remedy available by law.

1. Handwashing facilities or hand sanitizer shall be installed at entrances to construction projects (unless the work is being conducted in an occupied building with operable restrooms in which case sinks are available for handwashing).

2. Shared tools and equipment shall be regularly sanitized.
3. Signage shall be posted at entrances to construction projects or common areas where work is occurring in an occupied building to instruct workers of social distancing and sanitation requirements, and workers who are sick or exhibit symptoms of being ill or those in recent close contact with someone exposed to COVID-19 shall not be present on the work site. Santa Barbara County Department of Public Health standards for social distancing shall apply.
4. Face coverings shall be worn by all persons present at the construction site, and when necessary, OSHA regulations for personal protective equipment for the activity being performed shall be followed.
5. Workers shall not gather in groups larger than three during breaks and shall maintain a six-foot social distance during such breaks.
6. "Choke points" and "high-risk areas" shall be identified where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and they shall be controlled so social distancing is maintained, to the extent practicable.
7. Interactions when picking up or delivering equipment or materials shall be minimized to allow social distancing.
8. The trades shall be staggered as necessary to reduce density and maintain social distancing.

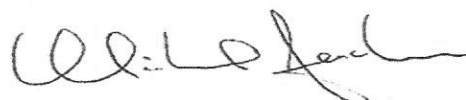
SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

4/24/20 10:09 AM
Date and Time


Michelle Greene
City Manager & Director of Emergency
Services

APPROVED AS TO FORM:


Michael Jenkins
City Attorney