

AGENDA
Special Meeting
VIA CONFERENCE CALL
Dial in Number: 712-432-3900 – Conference id: 419973 #
TULELAKE CITY COUNCIL
March 31, 2020
5:30 PM

In doing our part to keep the community safe, we are practicing “social distancing” and holding City Council meetings by conference call until further notice. Join the meeting by calling the number listed above and entering the Conference id number.

1. Call to Order
2. Pledge of Allegiance
3. Approval of the March 3, 2020 regular meeting minutes. Discussion/Action.
4. Approval of the March 24, 2020 special meeting minutes. Discussion/Action.
5. Approve Resolution No. 20-01, a resolution of the City Council of the City of Tulelake proclaiming the existence of a local emergency concerning the Covid-19 virus. Discussion/Action. (Mayor Ebinger)
6. Department head updates. Discussion/Action.
7. Comments from the public.

This is the time set aside for citizens to address the Council on matters not on the agenda. Comments should be limited to matters within the jurisdiction of Council. If your comment concerns an item on the agenda please address the Council after that item is open for public comment. By law, the Council cannot discuss or take action on matters that are not on the agenda. The Mayor reserves the right to limit the duration of each speaker to three (3) minutes. Speakers may not give their time to others.

COMMENTS:

8. Comments from City Engineer
9. Comments from City Attorney
10. Comments from City Building Inspector
11. Comments from Library Branch Manager
12. Comments from Chief of Police
13. Comments from Director of Public Works
14. Comments from Finance Director
15. Comments from City Treasurer
16. Comments from City Clerk
17. Comments from City Hall Administrator
18. Comments from City Administrative Clerk
19. Comments from Councilmember Nicholson
20. Comments from Councilmember Fensler
21. Comments from Councilmember Marcillac
22. Comments from Councilmember Velador

23. Comments from Councilmember Ebinger

24. Adjournment

Parties with a disability as provided by the American Disabilities Act who require special accommodations or aids in order to participate in a public hearing should make the request to the Clerk at least 48 hours prior to the meeting.

Until further notice due to the Covid-19 virus and Governor Newsom's N-25-20 Executive Order, the Tulelake City Council will hold City Council meetings by conference call.

The City Attorney, Megan Annand, may appear by telephone from 6101 Griffin Lane, Medford, OR 97501 (541)779-7131

The City Finance Director, Will M Sargent, CPA, may appear by telephone from 125 Riverside Drive, Klamath Falls, OR 97601 (541) 882-2668

Tulelake City Council
Regular Meeting Minutes
March 03, 2020

Mayor Ebinger called the meeting to order at 5:36 PM. Mayor Ebinger alongside Mayor Pro Tem Marcillac and Council Member Velador attended the meeting. Council Members Nicholson and Fensler were absent as well as City Administrative Clerk, Heidi Cureton. Director of Public Works, Brett Nystrom; Chief of Police, Tony Ross; Finance Director, Will Sargent; City Hall Administrator, Jenny Coelho; City Treasurer, Sarah Luscombe and City Clerk, Raul Figueroa were also present.

APPROVAL OF THE FEBRUARY 18, 2020 REGULAR MEETING MINUTES

Council Member Velador made a motion to approve the February 18, 2020 Regular Meeting Minutes. Mayor Pro Tem Marcillac seconded the motion. Motion carried. (Motion 20-37)

APPROVAL OF THE BILLS

Council Member Velador made a motion to approve the bills presented. The motion was seconded by Mayor Pro Tem Marcillac. Motion carried. (Motion 20-38)

PRESENTATIONAL UPDATE ON THE LAVA BEDS MONUMENT

Larry Whalon, Superintendent of the Lave Beds & Tulelake National Monuments, reported that tourism for the month of February was exceptionally good at the park this year due to the unusually nice weather. Mr. Whalon also discussed some of the projects they were working on this year, including the renovation of the jail and more hiking trails. Information only. No action taken.

APPROVAL OF FY19/20 CITY OF TULELAKE SALARY SCHEDULE WITH UPDATED CALIFORNIA MINIMUM WAGE RATES AND SALARY RATES BEGINNING JANUARY 01, 2020

Mayor Ebinger made a motion to approve the salary schedule as presented. It was seconded by Mayor Pro Tem Marcillac. Motion carried. (Motion 20-39)

CORRECTION ON DIRECTOR OF PUBLIC WORKS SALARY RATE PER HOUR FROM \$24.76 TO \$24.84 EFFECTIVE AS OF JANUARY 05, 2020

City Hall Administrator, Jenny Coelho, explained that a correction was needed in order to fix a mistake that was made in calculating the hourly wage after Brett Nystrom, Director of Public Works, received his raise back in January. Mayor Ebinger made a motion to make the correction moving the rate per hour from \$24.76 to \$24.84. Council Member Velador seconded. Motion carried. (Motion 20-40)

APPROVAL TO PAY NEGATIVE DECLARATION FEE OF \$2,406.75 AND CLERK PROCESSING FEE OF \$50.00 TO SISKIYOU COUNTY TO FILE THE NOTICE OF DETERMINATION FOR THE TULELAKE VETERAN'S PARK EXPANSION

It was discovered that the Negative Declaration Fee of \$2,406.75 did not need to be paid. Only the \$50.00 Processing Fee needed to be paid. Mayor Ebinger made a motion to pay the \$50.00 to Siskiyou County. Council Member Velador seconded. Motion carried. (Motion 20-41)

REVIEW PROGRESS OF CLEANUP AND BUILDING CODE CORRECTIONS, WHICH ARE TO BE COMPLETED BY MARCH 21, 2020 AT THE LEASED PROPERTY LOCATED AT APN 050-201-010-000 AND FOLLOW UP WITH ALL VIOLATIONS

Chief of Police, Tony Ross, informed the Council that there had been some progress with clean-up on the property. Some vehicles have been removed and the elevator was removed from the roof. The people that were supposed to remove the metal have backed out so they are still looking to find someone to remove the metal. Negotiators still need to meet in order to come up with an agreeable solution for both parties involved in rewriting this Lease. No action taken.

REVIEW INTERPRETATION OF PAID HOLIDAYS IN CHAPTER 12.5 OF THE CITY OF TULELAKE PERSONNEL POLICY MANUAL

Will Sargent explained to council that it was a matter of City policy, not State law in deciding if an employee should be paid for a holiday if the holiday fell on an employees regularly scheduled day off. Council discussed the different ways the current City Personnel Policy Manual reads and decided that employees should not be penalized for the work schedule they were given by not getting paid for a holiday that falls on a Monday or Friday and that employees has one of those days off. Mayor Ebinger made a motion for employees to get 8 hours of holiday pay even if they were not scheduled to work on that holiday and to make the appropriate changes in the Personnel Manual. Mayor Pro Tem Marcillac Seconded. Motion carried. (Motion 20-42)

ADJOURNMENT

Mayor Ebinger made a motion to adjourn the meeting at 6:52 PM. Mayor Pro Tem Marcillac seconded the motion. Motion carried. (Motion 20-43)

Henry A Ebinger, Mayor

Attest:

Raul Figueroa Tamayo, City Clerk

Tulelake City Council
Special Meeting Minutes
March 24, 2020

Mayor Ebinger called the meeting to order at 5:31 PM. Mayor Ebinger and Council Members Fensler, Nicholson and Velador were on the conference call. . Also on the conference call was Chief of Police, Tony Ross, City Hall Administrator, Jenny Coelho and City Treasurer, Sarah Luscombe. Mayor Pro Tem Marcillac was absent as well as Director of Public Works, Brett Nystrom and City Clerk, Raul Figueroa Tamayo.

APPROVAL OF THE MARCH 3, 2020 REGULAR MEETING MINUTES

Mayor Ebinger tabled the March 3, 2020 regular meeting minutes tabled as Council Members Fensler and Nicholson were not present at that meeting. Mayor Pro Tem Marcillac is not present and there is not a quorum to approve the March 3, 2020 minutes.

APPROVAL OF THE BILLS

Council Member Fensler made a motion to approve the bills presented. Council Member Velador seconded. Motion carried. (Motion 20-44)

APPROVE THE ADOPTION OF THE COUNTY OF SISKIYOU GUIDANCE PROCEDURES FOR COVID-19 (CORONAVIRUS)

Mayor Ebinger made a motion for the City of Tulelake to adopt the County of Siskiyou Guidance Procedures for COVID-19 (coronavirus). Council Member Nicholson seconded. Motion carried. (Motion 20-45)

POSSIBLE COURSE OF ACTION AND OPTIONS WITH REGARD TO CITY OPERATIONS DURING GOVERNOR NEWSOM'S MARCH 19, 2020, "STAY IN PLACE" DIRECTIVE RELATED TO COVID-19

There was discussion on what procedures the City should take with the City parks and it was determined that signs should be posted at all the City parks that have facilities. Also discussed was expenses related to COVID-19 the City is incurring or may incur in the future. Each Department Head is to record their expenses and turn in invoices to City Hall. Some of these items will be facemasks for the Police Department and hand sanitizer for the Public Works Department. Council Member Fensler said there is a 214 form that the City might be able to use and to contact Siskiyou County for a copy. Discussion about an Emergency Proclamation, based upon the California League of Cities recommendation, needs to be presented to the Council. Another special meeting will occur next week.

ADJOURNMENT

Mayor Ebinger made a motion to adjourn the meeting at 6:18 PM. Council Member Nicholson seconded the motion. Motion carried. (Motion 20-46)

Henry A Ebinger, Mayor

Attest:

Raul Figueroa Tamayo, City Clerk

RESOLUTION NO. 2020 -01

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULELAKE PROCLAIMING THE
EXISTENCE OF A LOCAL EMERGENCY CONCERNING THE COVID-19 VIRUS**

WHEREAS, Government Code section 8642 provides that whenever a state of local emergency exists, the governing body of the local governmental entity shall meet as soon as possible; and

WHEREAS, Government Code section 8558 defines a local emergency as including conditions of extreme peril to the safety of persons and property within the City which are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other government entities to combat; and

WHEREAS, COVID-19 is easily transmissible from person to person and has spread globally to 200 countries, infected more than 782,851, and killed more than 37,615 individuals as of March 30, 2020, per the World Health Organization; and

WHEREAS, World Health Organization officials now report that sustained human-to-human transmission of COVID-19 is occurring and that transmission from asymptomatic individuals has been documented; and

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID19 outbreak to be a public health emergency of international concern, and on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency for the United States of America; and

WHEREAS, the United States Centers for Disease Control and Prevention has determined that COVID-19 presents a serious public health threat requiring coordination among state and local health departments to ensure readiness for potential health threats associated with the virus; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a state of emergency in the State of California due to the number of confirmed cases of COVID-19 in the State; and

WHEREAS, on March 11, 2020, the World Health Organization made the assessment that COVID-19 can be characterized as a pandemic; and

WHEREAS, on March 12, 2020, the Siskiyou County Public Health Officer proclaimed a local public health emergency finding that COVID-19 is an imminent and proximate threat to public health in Siskiyou County; and

WHEREAS, conditions of extreme peril to the safety of persons and property have arisen and are threatened within the City of Tulelake resulting from the COVID-19 virus pandemic; and

WHEREAS, three confirmed case of COVID-19 infection has been documented in the County of Siskiyou; and

WHEREAS, the threat of exposure to, and spread of, COVID-19 cannot be quarantined to one defined geographical area, and the danger of transmission is therefore pervasive and present to the residents of the City of Tulelake; and

WHEREAS, the conditions caused by the COVID-19 pandemic are beyond the control of the services, personnel, equipment and facilities of the City of Tulelake; and

WHEREAS, the City Council hereby finds that the previously mentioned conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED as follows:

1. The recitals stated above are true, correct, and are adopted herein as findings.
2. That, pursuant to Government Code section 8630(a), a local emergency within the meaning of Government Code section 8558(c) exists within the jurisdictional limits of the City of Tulelake.
3. That, pursuant to Public Contract Code section 20168 and 22050, the public interest and necessity demand the immediate expenditure of public money to safeguard life, health and property; the local emergency will not permit a delay resulting from a competitive solicitation for bids; immediate action is necessary to respond to the local emergency; and the Mayor or the Mayor's designee is authorized to repair or replace a public facility, take any directly related and immediate action required by the local emergency, and procure the necessary equipment, services and supplies for those purposes without giving notice for bids to let contracts.
4. That the Mayor or the Mayor's designee shall coordinate planning, preparedness and response efforts regarding COVID-19 with federal, state and local government authorities and shall otherwise exercise authority as Director of Emergency Services consistent with the laws of the State of California and in the Tulelake Police Department's emergency preparedness plan; and
5. That the Mayor or the Mayor's designee is further authorized to exercise specific authority to close or limit access to city facilities and to limit or cease public services, direct employee absences from work and to grant leave accruals in order to secure the same, and to take whatever other prudent actions with regard to City operations and staffing which, in the Mayor's sole discretion, are considered by him to be necessary to secure the public health, welfare and safety during the existence of the local emergency; and
6. That, pursuant to Public Contract Code section 22050(c)(1), the state of local emergency shall be deemed to continue to exist until its termination is proclaimed by a resolution adopted by a fourth-fifths vote of the City Council.

7. That, pursuant to Government Code section 8630(c) and Public Contract Code section 22050(c)(1), the City Council shall review the need for continuing the local emergency at every regularly scheduled meeting of the City Council until the City Council terminates the local emergency.

8. That this resolution shall serve as a request to the State of California and the United States of America to make available funding to the City of Tulelake in order to address the impacts caused by this emergency.

I HEREBY CERTIFY that the foregoing resolution was introduced and adopted at a special meeting of the Tulelake City Council on the 31th day of March 2020, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Henry A. Ebinger, Mayor

ATTEST:

APPROVED AS TO FORM:

Raul Figueroa Tamayo, City Clerk

Megan Annand, City Attorney