

PROCLAMATION NO. P2022-003

PROCLAMATION OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF NAPA, STATE OF CALIFORNIA, EXTENDING THE DURATION OF THE TEMPORARY OUTDOOR COMMERCIAL ACTIVITY PERMIT PROGRAM AND THE TEMPORARY CLOSURE OF CITY PROPERTY PROGRAM IN RESPONSE TO THE LOCAL EMERGENCY RELATED TO THE CORONAVIRUS PANDEMIC (COVID-19)

WHEREAS, on March 15, 2020, the City Manager (acting as the Director of Emergency Services) issued Proclamation No. P2020-001 to proclaim the existence of a “local emergency based on the existence of conditions related to the novel coronavirus known as “SARSCoV-2,” named “coronavirus disease 2019” and abbreviated “COVID-19”; and

WHEREAS, the City Council has subsequently reviewed and ratified the actions taken by the City Manager related to the local emergency described in P2020-001 during multiple public meetings of the City Council, notably including March 16, 2020 (R2020-037), March 31, 2020 (R2020-039), April 21, 2020 (R2020-055), the regular meetings of February 1, 2022, February 15, 2022, March 8, 2022, March 22, 2022, April 5, 2022, April 19, 2022, and May 3, 2022, and the planned approval of the continuing proclamation of local emergency at the meeting of May 17, 2022; and

WHEREAS, on June 16, 2020, the City Manager issued Proclamation No. P2020-002, and on July 21, 2020, the City Manager issued Proclamation No. P2020-003, each of which was ratified by City Council, regarding the establishment of a Temporary Outdoor Commercial Activity Permit Program for the issuance of permits to allow businesses to temporarily open and operate outdoor activities on a larger footprint, including the use of private property and public property; and

WHEREAS, on August 11, 2020, the City Manager issued and the City Council ratified Proclamation P2020-005 to establish a Temporary Closure of City Property Program, which authorized the issuance of administrative directives to temporarily close City property (including streets, sidewalks, other rights of way, or other property in which the City has a right of ownership or use) for the duration of any health order issued by the State of California or Napa County that requires public health precautions in response to COVID-19; and

WHEREAS, on April 30, 2021, the City Manager issued Proclamation P2021-001, which was ratified by the City Council on May 4, 2021, and which

extended the duration of the Temporary Outdoor Commercial Activity Permit Program and the Temporary Closure of City Property Program through February 28, 2022; and

WHEREAS, the City Council received an update on the parklet program on November 16, 2021 and provided staff with direction on desired updates to the permanent Outdoor Commercial Uses and Parklet Program to include updates to City ordinances, design standards, maintenance requirements and the like, and on February 15, 2022 ratified P2022-002 which extended the Temporary Closure of City Property until August 31, 2022 and required Temporary Commercial Activity Permittees to remove tents by March 31, 2022; and

WHEREAS, staff have been diligently working on the required updates to the City's permanent Outdoor Commercial Uses and Parklet program and provided an update to the City Council on May 3, 2022; and

WHEREAS, the City Council provided staff with additional direction on desired updates, as well as determining that an extension of the Temporary Closure of City Property program would be beneficial in allowing local businesses to transition to the permanent permit program in an orderly manner amid continuing COVID-19 uncertainty; and

WHEREAS, since late March with the introduction of the new Omicron BA.2 variant of COVID-19, the overall test positivity rate in Napa County has risen from 2% to almost 7% in early May, and weekly case tracking shows well over 125 average new cases each week in April and May; and

WHEREAS, the City Manager has determined that it is in the best interest of the City to continue to facilitate the existing outdoor uses on sidewalks, in public plazas/parks, on public streets and parking lots, and on private property to allow restaurants and other businesses to open and operate on a larger outdoor footprint through December 1, 2022; and

NOW, THEREFORE, BE IT PROCLAIMED by the City Manager of the City of Napa, in the capacity of the Director of Emergency Services of the City of Napa, as follows:

1. The City Manager hereby extends the duration of the Temporary Outdoor Commercial Activity Permit Program and the Temporary Closure of City Property Program, as defined in the recitals to this proclamation, until December 1, 2022.

2. This proclamation shall expire if not confirmed and ratified by the City Council within 21 days of the proclamation.

3. The City Manager hereby finds that the facts set forth in the recitals to this proclamation are true and correct and establish the factual basis for this proclamation.

4. This Proclamation shall take effect immediately upon its execution.

This proclamation is hereby issued by the City Manager, Director of Emergency Services.

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

Name: Steve Potter

Title: City Manager

Director of Emergency Services

Date: May 12, 2022