

(DRAFT VERSION 2021-03-19)

ORDINANCE O2021-____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, RELATING TO THE PAYMENT OF HAZARD PAY TO GROCERY WORKERS IN SPECIFIED GROCERY STORES, TO TAKE EFFECT IMMEDIATELY

WHEREAS, the Coronavirus 19 (“COVID-19”) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization (“WHO”) as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout the United States and California, and remains a significant health risk to the community, especially members of our most vulnerable populations; and

WHEREAS, on March 4, 2020 California Governor Gavin Newsom proclaimed a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 15, 2020, the City Manager, acting as Director of Emergency Services, issued Proclamation No. P2020-001 to proclaim the existence of a local emergency regarding COVID-19, that was ratified by the City Council on March 16, 2020 (R2020-037); and

WHEREAS, Proclamation No. P2020-001 has been regularly ratified and updated by City Council, and has continuously remained in effect to date; and

WHEREAS, since March 2020, residents and businesses in the City of Napa have been under various forms of stay-at-home orders or other activity restrictions issued by the State of California; and

WHEREAS, various stay-at-home orders excepted individuals participating in essential activities or providing essential business services; and

WHEREAS, a March 19, 2020 proclamation by California Governor Gavin Newsom identified grocery stores as essential business sectors critical to protecting the health and well-being of all Californians and their workers have been designated as essential critical infrastructure workers exempting them from stay-at-home orders and certain other activity restrictions; and

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WHEREAS, grocery stores are essential businesses operating in the City during the COVID-19 emergency making grocery workers highly vulnerable to health or safety risks; and

WHEREAS, grocery workers are essential workers who perform services that are fundamental to the economy and health of the community during the COVID-19 crisis. They work in high-risk conditions with inconsistent access to protective equipment and other safety measures; work indoors in public situations with limited ability to engage in physical distancing; and continually expose themselves and the public to the spread of the disease; and

WHEREAS, hazard pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress; and

WHEREAS, grocery store workers during the COVID-19 emergency merit additional compensation because they are performing hazardous duty due to the significant risk of exposure to the COVID-19 virus. Grocery store workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection; and

WHEREAS, the availability of grocery stores is fundamental to the health of City residents and is made possible during the COVID-19 emergency because grocery workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by working in hazardous situations; and

WHEREAS, a growing list of cities and counties across California, including the cities of San Mateo, South San Francisco, Daly City, Berkeley, Los Angeles, Palm Springs, Long Beach, San Leandro, and American Canyon began announcing and adopting legislation for premium hazard pay for grocery workers; and

WHEREAS, the City has constitutional home rule authority to enact this ordinance to protect the public health, safety, and welfare, and to regulate the City's municipal affairs, pursuant to California Constitution Article XI, Sections 5 and 7, and City Charter Section 4; and City is authorized by California Labor Code section 1205 to set labor standards regarding the payment of wages that are more stringent than state standards; and

WHEREAS, the adoption of this ordinance will provide for the immediate preservation of the public peace, property, health or safety, pursuant to City Charter Section 62 and Napa Municipal Code 1.04.060.

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ATTACHMENT 1

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Findings. The City Council hereby finds that the facts set forth in the recitals to this ordinance are true and correct, and establish the factual bases for adoption of this ordinance.

SECTION 2: Adoption. The City Council hereby adopts and enacts the uncoded "Hazard Pay For Grocery Workers Ordinance" as set forth in Exhibit "A," attached hereto and incorporated herein by reference.

SECTION 3: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 4: Effective Date. This Ordinance shall become effective immediately upon its adoption, upon 4/5 vote of City Council.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance was adopted and passed as an emergency ordinance during the public meeting of the City Council on the 6th day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
Tiffany Carranza
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney