



CITY OF MILPITAS CITY COUNCIL

TELECONFERENCE SPECIAL NOTICE Pursuant to Executive Order N-25-20

The Ralph M. Brown Act, Government Code Section 54953, contains special requirements that apply when members of a legislative body participate in a public meeting by telephone. Certain portions of these requirements have been suspended by Paragraph 11 of Executive Order N-25-20 which was executed by California Governor Gavin Newsom on March 12, 2020 to mitigate the spread of the coronavirus known as COVID-19.

The Executive Order suspends provisions of the Brown Act that require noticing, posting of agendas, and public access to each location where a member will be participating telephonically, as well as provisions that require physical presence of members for purposes of a quorum or to hold a meeting. The Executive Order also requires the agency to notice at least one publicly accessible location where members of the public have the right to observe and offer comment at the meeting, consistent with other provisions of the Brown Act.

Milpitas City Councilmembers are listed here to permit them to appear by telephone (remotely), if necessary, at the Regular and Special City Council meetings on March 17, 2020: Mayor Tran, Vice Mayor Nuñez, and Councilmembers Dominguez, Montano, and Phan.

Members of the public may physically attend, observe, and provide public comment at the meeting to be held at the Barbara Lee Senior Center, Rooms 140/141 at 40 N. Milpitas Boulevard, Milpitas, CA 95035 on Tuesday, March 17, 2020 at 6:00 PM and 7:00 PM.

Residents are encouraged to provide public comment electronically. During the City Council meeting, comments can be submitted via the City of Milpitas' website using a new form here:
<https://forms.ci.milpitas.ca.gov/forms/view.php?id=103212>

Those attending in person must comply with directions from City staff regarding seating arrangements and social distancing measurements pursuant to Santa Clara Public Health Officer's Coronavirus Guidance.

Members of the public wanting to view and listen to the open session of the meeting may do so by tuning in live via <http://www.ci.milpitas.ca.gov/our-government/city-council/streaming-video/>

Livestream of the meeting and virtual public comments during the meeting here <https://zoom.us/j/475849055>

NOTICE TO THE PUBLIC: ALERT

To prospective meeting attendees: public gatherings (City Council meeting) pose a heightened risk of COVID-19 transmission. Please note that older adults and individuals with existing health conditions are at particularly serious risk and should not attend.

REFERENCES

1. Governor Newsom – Executive Order N-25-20: <https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>
2. City of Milpitas: City Council Agenda and Agenda Packet – March 17, 2020: <http://www.ci.milpitas.ca.gov/our-government/city-council/city-council-agendas-and-minutes-2/>
3. Santa Clara Public Health Officer's Coronavirus Guidance: <https://www.sccgov.org/sites/phd/DiseaseInformation/novel-coronavirus/Pages/COVID-19-Guidance-031320.aspx>



SPECIAL MEETING OF THE MILPITAS CITY COUNCIL

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122
Para sa Tagalog, tumawag sa 408-586-3051
Para español, llame 408-586-3232

NOTICE OF SPECIAL MEETING

NOTICE IS HEREBY GIVEN that a Special Meeting of the Milpitas City Council will be held at 7:00 P.M. on Tuesday, March 17, 2020 at the Barbara Lee Senior Center, 40 N. Milpitas Boulevard, Milpitas CA. Agenda is below.

AGENDA

**TUESDAY, MARCH 17, 2020
BARBARA LEE SENIOR CENTER, ROOMS 140-141
40 N. MILPITAS BOULEVARD, MILPITAS, CA
6:00 PM**

CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk

ACTION ITEM

- 1. Consider Approval of Temporary Emergency Pay for non-essential full-time and part-time employees from March 17 through April 7, 2020 (Staff Contact: Ashwini Kantak, 408-586-3053)**

ADJOURNMENT

MILPITAS CITY COUNCIL CODE OF CONDUCT

- Be respectful and courteous (words, tone, and body language).
- Model civility.
- Avoid surprises.
- Praise publicly and criticize privately.
- Focus on the issue, not the person.
- Refrain from using electronic devices while on the Council dais.
- Share information with all Councilmembers in advance of Council meetings.
- Disclose conflicts of interest and affiliations related to agenda items.
- Separate governing from campaigning.
- The Council speaks with one voice after making policy on issues.
- Respect the line between policy and administration.
- Council will hold one another accountable to comply with this Code of Conduct.

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035
e-mail: cdiaz@ci.milpitas.ca.gov / Phone: 408-586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on the City website. All City Council agendas and related materials can be viewed online here: www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp (select meeting date)

APPLY TO SERVE ON A CITY COMMISSION

Commission application forms are available online at www.ci.milpitas.ca.gov or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to mlavelle@ci.milpitas.ca.gov prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.



CITY OF MILPITAS AGENDA REPORT (AR)

Item Title:	Consider Approval of Temporary Emergency Pay for non-essential full-time and part-time employees from March 17 through April 7, 2020
Category:	Leadership and Support Services
Meeting Date:	3/17/2020
Staff Contact:	Ashwini Kantak, Assistant City Manager, 408-586-3053
Recommendation:	Approve Temporary Emergency Pay for non-essential full-time and part-time employees from March 17 through April 7, 2020, unless there is supplemental Federal mandated leave available for eligible employees to use.

Background:

On Monday, March 16, 2020, the County of Santa Clara, and six of the most populous counties in the region, announced a shelter-in-place order in light of the increased number of cases of COVID-19 that have been confirmed in Santa Clara County. In response, the City has elevated to Stage 5 (Extremely High Response) of our Pandemic Management Plan. The shelter-in-place order went into effect at 12:01 am on Tuesday, March 17 and will be in effect through Tuesday, April 7, 2020.

On the agenda for March 17, the City Council is scheduled to ratify the declaration of an emergency. During an emergency the City will continue to provide identified essential services to the community and some programs may be temporarily suspended or closed due to the emergency. Therefore, some classifications and positions may be required or have an opportunity to telework. Eligibility for telework will depend on the type of work performed, operational needs, and the ability for employees to maintain the essential functions of their job duties.

Additionally, during this emergency, the City Manager in his capacity of Director of Emergency Services, will exercise all necessary actions consistent with Municipal Code Title V, Chapter 1, titled Emergency Organization and Functions.

Analysis:

Staff is requesting that all non-essential employees that will not be working remotely be eligible for Temporary Emergency Pay (or "TEP") from March 17, 2020 through April 7, 2020 consistent with the Public Health Official shelter-in-place order. This order affects all employees with the exception of law and safety, sanitation and essential government functions.

The City is asking for authority to provide Temporary Emergency Pay to all full-time and part-time employees who are unable to work due to Corona Virus related issues.

The City Department Heads have provided a list of all employees within their specific departments and have categorized them into one of the following groups:

1. Full Time/Part Time Benefited employees that provide an Essential Service. Employees who provide an Essential service or are working in the Field will be required to work if able. Those that are not in the field will telework.

2. Full Time/Part Time Benefited employees that provide non-essential service but can perform other duties and work remotely. If an employee does not provide an Essential Service but the employee can perform other services and can work remotely, the City may allow the employee to telework as long as the employee has the resources to perform the duties of their job or other duties as assigned.
3. Full Time/Part Time Benefited employees that provide non-essential service and will not have duties to perform due to lack of work that can be performed remotely. If an employee does not provide an essential service and will not have duties to perform, they will be eligible for Temporary Emergency Pay for the period of March 17, 2020 through April 7, 2020, unless there is supplemental Federal mandated leave available for eligible employees to use. Such federally mandated paid leave would be primary and would not extend the availability of Temporary Emergency Pay beyond April 7, 2020, but TEP could be used to fill any gaps in that period.
4. Temporary Seasonal Employees that do not provide Essential Services will receive Temporary Emergency Pay for the period of March 17, 2020 through April 7, 2020, consistent with their straight time earnings during the last completed pay period.

If Full-Time or Part-Time employees become ill or need to care for an ill family member or dependents due to the Corona Virus they will be eligible for paid Temporary Emergency Pay for the period of March 17 through April 7, 2020, the end of the current shelter-in-place order. After April 7, such employees would need to use accrued paid leaves as wage replacement sources (e.g. sick, vacation etc.) except as otherwise required by law.

Through April 7, 2020, all City paid insurance benefits (i.e. Medical, dental, vision, Life Insurance, etc.) will continue even if an employee's paid status goes below 88 hours in a month due to the Corona Virus. If this emergency continues beyond April 7, 2020, the City will assess the situation and may explore other options including use of accrued or advance leave banks.

Policy Alternative:

Alternative: Do not approve Temporary Emergency Pay from March 17 to April 7, 2020 for non-essential full-time and part-time employees.

Pros: The City will save on personnel costs while programs and services are suspended.

Cons: Temporary employees such as crossing guards and recreation employees may rely on the extra bi-weekly pay for their livelihood.

Reason not recommended: To support all employees regardless of employment status during this declared public health emergency.

Fiscal Impact:

For full-time and part-time benefitted employees, the personnel expenses related to telework and administrative leave for non-essential employees are budgeted. The cost for providing Temporary Emergency Pay to temporary employees for suspended revenue-generating programs will be evaluated; any needed budget actions will be brought forward for Council consideration as appropriate.

California Environmental Quality Act:

Not applicable.

Recommendation:

Approve Temporary Emergency Pay for non-essential full-time and part-time employees from March 17 through April 7, 2020, unless there is supplemental Federal mandated leave available for eligible employees to use.