



AGENDA – March 25, 2020

3:00 p.m. Public Meeting

Long Beach City Hall

115 Bolstad Avenue West

3:00 p.m. CALL TO ORDER; PLEDGE OF ALLEGIANCE; AND ROLL CALL

Call to order	Mayor Phillips, Council Member Svendsen, Council Member McGuire,
And roll call	Council Member Murry, Council Member Cline & Council Member Kemmer.

PUBLIC COMMENT

BUSINESS

- **AB 20-31 – COVID-19 Emergency Amendment to Personnel Polices**
- **AB 20-32 – Ordinance 980 Emergency Billing Procedures**

FUTURE CITY COUNCIL MEETING SCHEDULE

The Regular City Council meetings are held the 1st and 3rd Monday of each month at 7:00 PM and may be preceded by a workshop.
April 6, 2020, April 20, 2020 & May 4, 2020

ADJOURNMENT

American with Disabilities Act Notice: The City Council Meeting room is accessible to persons with disabilities. If you need assistance, contact the City Clerk at (360) 642-4421 or advise City Administrator at the meeting.

TAB - A



**CITY COUNCIL
AGENDA BILL
AB 20-31**

Meeting Date: March 25, 2020

AGENDA ITEM INFORMATION

SUBJECT: COVID-19 Amendment to the City of Long Beach Personnel Policies	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
	Water/Wastewater Supervisor	
COST: N/A	Other:	

SUMMARY STATEMENT: Due to the recent pandemic the City has deemed it necessary to amend the personnel policies to reflect actions that might need to be taken for the safety of our employees. This amendment defines and allows the use of sick leave in relation to COVID-19. It also outlines the distribution of pay if the Mayor were to close City operations.

RECOMMENDED ACTION: *Approve the COVID-19 Amendment to the City of Long Beach Personnel Policies.*



EMERGENCY POLICY & PROCEDURE

<h2 style="margin: 0;">COVID-19 Public Health Emergency Pay and Leave for Regular City Employees</h2>			Category:
			Number:
			Classification:
Effective Date: 03/26/2020 – 05/31/2020*	Supersedes: Policy # N/A	Policy Originator: Mayor	Approved By: City Council <hr style="width: 100%;"/>

*The effective date of this policy may be extended dependent on the COVID-19 State of Health Emergency response period or by direction of the Mayor.

1. PURPOSE/SCOPE:

The purpose of this emergency policy is to provide guidance and establish procedures regarding the use of paid leave and pay for City employees under the COVID-19 Health Emergency declaration.

2. AFFECTED PARTIES:

- All Regular Employees

3. POLICY:

It is the policy of the City of Long Beach to take all appropriate measures needed to address the COVID-19 Health Emergency and protect public health. Protecting the community and City staff is a priority and this policy establishes guidance on the use of paid leave and pay for City employees. This policy and procedures are meant to augment and amend existing Employment Policies related to leave and employee paid as reflected in the most recently approved Employee Handbook which was last approved by **Council Resolution No. 2019-04 approved on May 6, 2019.**

4. DEFINITIONS:

For purposes of this emergency policy the following definitions are amended to include from those provided in the Employee Handbook.

- a) *Use of Sick Leave – Employee (VI.F.2a):* This definition is amended to state: Sick leave may be used when an employee is ill, injured, disabled (including a disability due to pregnancy or childbirth) or has been exposed to a contagious disease where there is a risk to the health of others or when an employee is concerned regarding the potential exposure to COVID-19 with the approval of Human Resources based on the CDC’s risk assessment protocols and whether the employee’s position is essential to City operation or public safety, or for medical or dental examinations or treatment when such appointments cannot be

scheduled outside of working hours, or when the use of a prescription drug impairs job performance or safety.

- b) *Use of Sick Leave – Immediate Family Members (VI.F.2b)*: The definition is amended to state: Sick leave may be used to care for a member of the immediate family who is ill, injured, or disabled, has been exposed to COVID-19 where there is a risk to the health of others, or if the school, place of care, or caregiver of an employee’s child or immediate family is closed/unavailable due to the COVID-19 health emergency, or when a quarantine of an immediate family member is ordered by State or County Health Officials due to a COVID-19 illness. Sick leave may also be used for qualifying Family Leave provided for in the Family Leave section.
- c) *Family Leave under FMLA (VI.H)*: For purposes of this emergency policy the definition of Immediate Family in the City’s Employee Handbook (2) will be used in the context of COVID-19. This supersedes Section VI.K.2, Reasons for Taking Leave to state, “To care for an employee’s immediate family member who has a serious health condition or is in need of care as a result of the COVID-19 health emergency.”
- d) *Family Leave under FMLA – Definition – Serious Health Condition - incapacity (VI.H.3g)*: For purposes of this emergency policy the definition of incapacity is amended to read: inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore or recovery there from or due to exposure to COVID-19 where there is a risk to the health of others, if the school, place of care, or caregiver of an employee’s child or immediate family member is closed due to the COVID-19 health emergency, or when a quarantine of an immediate family member is ordered by State or County Health Officials due to a COVID-19 illness.
- e) *City Closure*: When the Mayor orders all City facilities closed and when the Mayor has directed that employees should not report to work, except for those that are essential for City operations.
- f) *City Closure Pay*: Payment of regular wages and benefits to regular employees during a City Closure.

5. PROCEDURES:

5.1.1 Closure Pay

5.1.2 City Closure

The Mayor may determine that it is necessary to close all City facilities and direct that only certain employees report to City work sites to complete essential City functions. During such closure, staff who are able to reasonably telecommute and are directed to do so by the Mayor or designee, will be allowed to do so. Managers and supervisors will coordinate this directly with the subject employees. To the extent that these employees are not able to fully or partially telecommute, staff will be provided City Closure Pay in accordance with the provisions in this policy.

5.1.3

Employees who are on a planned absence, such as vacation leave and are not recalled back to work will not receive City Closure Pay. Any employee already on sick leave shall be eligible for City Closure Pay in lieu of continued use of sick leave once City Closure Pay is in effect.

5.1.4

In the event of City Closure, FLSA Non-Exempt (hourly) staff will receive City Closure Pay for those hours in which they are unable to telecommute (full or partially) or to work their scheduled hours. City Closure Pay will only be made available to staff to cover their regularly scheduled work hours.

5.1.5

Fair Labor Standards Act (FLSA) Non-Exempt (hourly) staff who are directed by the City Administrator or designee to report to work during a City Closure will receive pay at normal rate.

5.1.6

FLSA Exempt (salaried) employees shall continue to receive their normal salary during a City Closure, regardless of whether they are able to telecommute.

TAB - B



**CITY COUNCIL
AGENDA BILL
AB 20-32**

Meeting Date: March 25, 2020

AGENDA ITEM INFORMATION		
SUBJECT: COVID-19 Utility Billing Policy	<i>Originator:</i>	
	Mayor	
	City Council	
	City Administrator	DG
	City Attorney	
	City Clerk	
	City Engineer	
	Community Development Director	
	Finance Director	
	Fire Chief	
	Police Chief	
	Streets/Parks/Drainage Supervisor	
COST: N/A	Water/Wastewater Supervisor	
	Other:	

SUMMARY STATEMENT: Due to COVID-19 the City has prepared the following amendment to the standard billing procedures for utilities: suspend fees associated with certified reminders, shut-offs and interest. This amendment also allows the city to accept payment plans if deemed appropriate.

RECOMMENDED ACTION: *Approve Ordinance 980 allowing for utility billing payment arrangements and suspension of “fees” due to the COVID-19 Emergency.*

ORDINANCE No. 980

AN ORDINANCE OF THE CITY OF LONG BEACH, WASHINGTON ADOPTING A PUBLIC HEALTH EMERGENCY AND/OR PANDEMIC UTILITY BILLING POLICY AND PROCEDURE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Ordinance 545 established billing procedures for water sewer customers. This ordinance outlines timelines for penalties including disconnection for nonpayment; and

WHEREAS, there is a need for a policy and related procedures related to utility billing during a declared public health emergency; and

WHEREAS, on March 16, 2020, the Mayor of Long Beach declared an emergency pursuant to RCW 38.52.070, for the purpose of protecting public health and our employees as necessary in response to a public health emergency; and

WHEREAS, City Council wishes to establish a temporary policy in response to the COVID- 19 public health emergency and related Declaration of Emergency made by the Mayor of Long Beach and affirmed by City Council, to allow for the suspension of penalties and postponement of disconnections of water service,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LONG BEACH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Adoption of a Public Health Emergency and/or Pandemic Utility Billing Policy and Procedure: The Public Health Emergency and/or Pandemic Utility Billing Policy and Procedures “Policy” is hereby approved as set forth on the attached Exhibit “A”. The Policy is adopted as the rules the City will follow in public health emergencies as it relates to City of Long Beach water, sewer, and storm drainage utility bills.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

PASSED this 25nd day of March, 2020.

AYES

NAYS

ABSENT

ABSTENTIONS

Attest:

Jerry Phillips, Mayor

City Clerk



City of Long Beach Policy & Procedure

TITLE:	Public Health Emergency and/or Pandemic Utility Billing Policy
EFFECTIVE DATE:	_____
APPROVED BY:	_____
	Name: _____ Title: _____
REVISION DATE:	
STAFF CONTACT:	Utility Billing Clerk

PURPOSE:

The purpose of this policy is to allow for suspending past due/pending disconnection penalties and postponement of water disconnection during a Declaration of Emergency related to an outbreak or pandemic illness or other Public Health Emergency.

SCOPE:

This policy applies to all City of Long Beach utility customers.

DEFINITIONS:

“Public Health Emergency” means an occurrence or imminent threat of an illness or health condition, caused by bio terrorism, epidemic or pandemic disease, or (a) novel and highly fatal infectious agent or biological toxin, that poses a substantial risk of a significant number of human fatalities or incidents or permanent or long-term disability.

“Pandemic” means a disease that is prevalent over a region, country, or the world.

POLICY:

It is the policy of the City of Long Beach to take all appropriate measures needed to address a public health emergency. Protecting the community and City staff is a top priority and this policy establishes actions that the City will take during a public health emergency related to City of Long Beach utility bills including water, sewer and storm drainage.

During a declared public health emergency, it is the policy of the City of Long Beach to postpone all disconnections to water service for the duration of the emergency. It is also the policy of the City of Long Beach to suspend past-due penalties (also known as “Certified Fees”, “Shut-Off Fees” and interest) for the duration of the declared emergency.

This policy does not suspend regular monthly utility charges for water, sewer and storm drainage utilities.

PROCEDURE:

The following procedures are established to allow for citizens to continue receiving water, sewer and storm drainage utility service, without penalty, during a declared public health emergency.

Notification

- A. Utility Billing will be notified when a Declaration of Emergency related to public health is proclaimed.
- B. Utility Billing will notify customers who are in arrears (past due and/or scheduled for disconnection) of the policy including an explanation that all past due amounts are still owed, and that additional penalties will be suspended and disconnections will be postponed for the duration of the declared emergency.
- C. Utility Billing will notify customers in arrears of payment arrangement options once the Declaration of Emergency has been lifted.

Reporting

- A. Utility Billing will track, by way of reports, utility accounts that go into arrears during the duration of the proclaimed emergency and submit the reports to Administration on a regular basis throughout the proclaimed emergency.

Post-Emergency Procedure

- A. After the Declaration of Emergency has been lifted, Utility Billing will notify customers in arrears of their account balances, date of potential disconnection and payment arrangement options. Payment arrangement options will be reviewed by the City Administrator or designee on a case-by-case basis.
- B. Regular penalty and disconnection timelines, as outlined in Ordinance 545 “Billing Procedures”, will be re-established the first day of the month following the Declaration of Emergency being lifted.