**EMERGENCY ORDER 2021-02**

**MODIFIED COVID-19 EMERGENCY ORDER**

As the Director of Emergency Services pursuant to Fresno Municipal Code Section 2-505, and by the powers invested in me by Fresno Municipal Code Section 2-506, in response to the public health threat of COVID-19, I hereby issue the following orders:

1. This Order is effective 12:01 a.m. on Tuesday, October 5, 2021, and supersedes all prior City of Fresno COVID-19 Emergency Orders. This Order shall remain in effect for so long as the Governor of California and the City of Fresno have declared a state of emergency related to COVID-19, but is subject to extension, rescission, or modification.
2. This Order is issued in accordance with, and incorporates by reference, all Orders issued by Governor of California as may be in effect from time to time, as applicable to Fresno County and the City of Fresno, and the March 16, 2020, Proclamation Declaring a Local Emergency by Mayor Lee Brand.
3. All persons within the City of Fresno and all businesses within the City of Fresno shall comply with Emergency Orders issued by the Governor, as may be modified and applicable to Fresno County and the City of Fresno.
4. The purpose of this Emergency Order is to provide a plan to reduce the accelerated spread of the COVID-19 virus that has been observed in our community. All City employees provide essential infrastructure and services necessary for the public health, safety, and welfare of the City of Fresno, and the City appreciates the dedication and commitment displayed by City employees during a global pandemic. The City of Fresno will implement reduction measures based on best available information and data, and with due consideration to minimize the disruption to the personal lives of City residents and employees.
5. All prior City of Fresno COVID-19 Emergency Orders are repealed, except as follows:
   1. 2020-09 Employee COVID-19 Self-Screening.
   2. 2020-10 Employee Leave Pay (to the extent remaining COVID-19 leave is not exhausted).
   3. 2020-15 Telework by City Employees (Revised) shall be reinstated. Department Directors shall have discretion to allow an employee or groups of employees to telework from their home or other approved location and may terminate or suspend telework of an employee at their discretion. Department Directors should, if practical, give employees advance notice if a decision is made to terminate or suspend telework.
6. Public Access to City Hall.
   1. City Hall shall remain open to the public for conducting business. To ensure that the City is in compliance with Fresno County Department of Public Health and OSHA requirements, all personnel will be required to self-screen before entering the workplace and all members of the public will be screened on entry. All visitors are required to wear a mask while in City Hall.
   2. Public Meetings of the City Council, Planning Commission, Historic Preservation, and Parks Commission shall all be held in hybrid status with up to fifty-percent capacity in person and virtual by telephonic device, Zoom or any other platform.
   3. The following Departments will be available to the public to conduct business by appointment only:
      1. Planning and Development Counter
      2. Department of Public Works Counter
      3. Department of Public Utilities Counter
      4. Personnel Services Department
      5. Code Enforcement Counter
      6. City Attorney’s Office
   4. The following Departments will be available to the public to conduct business without requiring an appointment:
      1. Parking Division Counter
      2. Utility Billing & Collection Counter
      3. Business License Counter
      4. City Clerk, City Council, Mayor and City Manager
      5. Fresno Fire Headquarters and Police Department Headquarters Public Counters and all District Stations
   5. Members of the public with disabilities who may not be able to comply in full or part with some requirements due to a qualifying disability shall not be denied services or benefits, in accordance with ADA Title II requirements. Reasonable modifications shall be made, such as allowing a person who indicates disability prevents them from sitting to stand or admitting a person with a respiratory disability that prevents them from wearing a mask, while still maintaining social distancing requirements.
7. Vaccination, Mask, and Testing Requirements for City Employees.
   1. City Employees and visitors to City facilities shall wear a mask indoors, except when employees are within their office with no other persons in the room.
   2. All visitors to City Hall shall be required to submit to Health Screening, regarding temperature, respiratory issues, and close contact with another person having COVID-19 at security screening.
   3. Bus Operators and Airport personnel are required to wear a mask while operating public transportation or inside an Airport Terminal under TSA rules. City Employees shall wear a mask when sharing a vehicle with another person and roll down their windows to allow a solid flow of air inside.
   4. Effective Monday, September 20, 2021, all City employees shall comply with the requirements outlined in the COVID-19 Virus Testing Plan contained within the September 10, 2021, Memorandum of the Office of the City Manager, attached herein as Exhibit A.
   5. All employees who report to work or call in sick must comply with Emergency Order 2020-09 and complete the Daily COVID-19 Health Questionnaire. Please continue to go to <http://covid.fresno.gov> to fill out the questionnaire.
   6. In an effort to limit the number of in-person gatherings and meetings, at the discretion of Department Directors are encouraged to conduct meetings virtually.
   7. All employees who have not provided proof of vaccination status to Personnel will be required to undergo weekly COVID-19 testing. This testing will be offered on City time, at City expense, unless an employee chooses to use a testing site offered by the County of Fresno or our test provider UCSF. This testing process will follow the COVID Employee Testing Plan of September 10, 2021, attached herein as Exhibit A.
   8. The Personnel Director shall, within 30 days, amend all recruitments and require selected employees to submit to COVID vaccinations as a condition of employment.
8. No person shall be criminally prosecuted for violation of this Order, except for egregious and immediate threats to public health and safety. Administrative citations for violations may be issued pursuant to the Fresno Municipal Code.
9. This Order shall be subject to amendment or repeal at any time and shall not be deemed to confer any contractual obligations, property rights, or assume any City liability.
10. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.
11. This Order shall be immediately translated into Spanish, Hmong, and Punjabi, and accommodations made for all disabled persons to read its contents; it shall also be distributed to all local media and made prominently available on the City’s website.

IT IS SO ORDERED.

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Thomas Esqueda, City Manager and

Director of Emergency Services