



# CITY OF BIG BEAR LAKE *California*

## Special Workshop Meeting Minutes – March 23, 2020

A Special Workshop Meeting of the City Council of the City of Big Bear Lake was called to order by Mayor Rick Herrick at 10:00 a.m., Monday, March 23, 2020, at the Civic Center, 39707 Big Bear Boulevard, Big Bear Lake, California.

### **OPEN SESSION**

Flag Salute: Flag Salute led by Mayor Herrick

Councilmembers Present: Mayor Rick Herrick  
Mayor Pro Tem Randall Putz  
Councilmember David Caretto  
Councilmember Bob Jackowski  
Councilmember Bill Jahn

Councilmembers Excused: None

Others Present: Frank A. Rush, Jr., City Manager  
Stephen P. Deitsch, City Attorney  
Erica Stephenson, City Clerk  
Rebecca Cannon, Administrative Assistant

### **PUBLIC COMMUNICATIONS**

None

#### **1. DISCUSSION/ACTION ITEMS**

##### **1.1 ADOPTION OF A RESOLUTION RATIFYING A PROCLAMATION DECLARING A LOCAL STATE OF EMERGENCY**

Council consideration of adopting Resolution No. 2020-XX entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RATIFYING AND DECLARING THE EXISTENCE OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19) which ratifies the proclamation of existence of a local emergency regarding Novel Coronavirus (COVID-19) pursuant to Government Code Section 8630 with any additions and/or deletions as directed by the Council.

Frank A. Rush, Jr., gave a brief overview of the item and explained the need for adopting the resolution as it will ratify the proclamation declaring a local state of

emergency that was issued on March 17<sup>th</sup>, will allow the City Manager to promulgate emergency information to the public, prohibit price gouging, provide protections to local renters from being evicted and authorizes the City to seek assistance from the federal/state government and charitable contributions from community members.

Councilmember Jahn asked City Attorney Steve Deitsch if a Conflict of Interest exists as he owns Mountain Meadows, an independent senior living facility. Steve Deitsch assured Councilmember Jahn that there is no Conflict of Interest in this matter as this resolution will effect more than twenty-five (25) percent of City residents and businesses; assured Councilmember Jahn he is permitted to participate in this discussion.

Steve Deitsch suggested that Council consider adopting an ordinance in the future setting further provisions regarding prohibiting price gouging; further explained that the eviction moratorium for both residential and commercial businesses can be modified at Council's discretion.

Mayor Pro Tem Putz stated he was glad to see the eviction moratorium within the proposed resolution as this provision may very well make this situation less devastating for some residents and businesses.

Councilmember Caretto is in support of resolution as presented.

Councilmember Jackowski questioned what action is required to revoke the resolution in the future. City Attorney Steve Deitsch clarified the Council's authority by ratifying a declaration of emergency, reminded Council that they must periodically review the proclamation in order to continue its legitimacy, and assured Council may terminate the resolution at any time, but the City and residents must still abide by other government orders including any state and county orders.

Councilmember Jackowski asked if there are any other specific benefits being offered to the residents such as loans or financial assistance. Steve Deitsch said there are federal loan programs available and it is up to the City to establish a local loan or grant program. Councilmember Jackowski sought additional clarification by asking if the proposed resolution opens the door for additional public assistance that will not be available if the resolution is not adopted. Steve Deitsch said it will certainly benefit the City as it can request for reimbursement by the federal and state government for costs incurred while dealing with the COVID-19 emergency, but can't specifically identify how the residents' grant/public assistance opportunities would benefit from the adoption of the resolution.

Councilmember Jahn expressed that he supports the resolution as presented.

Mayor Herrick echoed all the other Councilmembers' opinions, and stated he is in full support of this resolution.

Motion by Councilmember Jahn, seconded by Councilmember Caretto, to approve staff's recommendation and adopt the following resolution entitled:

RESOLUTION NO. 2020-05

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, RATIFYING AND DECLARING THE EXISTENCE OF A LOCAL EMERGENCY REGARDING NOVEL CORONAVIRUS (COVID-19)

Erica Stephenson, City Clerk, called on all known callers and solicited comments. No listeners chose to comment.

Said motion was approved by the following vote:

AYES: Jahn, Putz, Caretto, Jackowski, Herrick  
ANONES: None  
ABSTAIN: None  
EXCUSED: None

**1.2 RECEIVE A COVID-19 STATUS REPORT UPDATE FROM CITY STAFF**

Council consideration of receiving a status report update regarding the City's current response and proposed future options relating to the COVID-19 Pandemic; and provide general feedback and direction as warranted.

Frank A. Rush, Jr., City Manager, first identified each person in the room then provided a comprehensive update to Council regarding local COVID-19 related efforts/issues including an overview of the number of confirmed cases in San Bernardino County, discussed the City's efforts in response to this crisis including: implementing Governor Newsom's "shelter in place" order and prohibiting lodging facilities and private home rentals from accepting new guests but clarified that guests that were processed prior to the order may stay for the remainder of their reservation and shelter-in place; shared the results of Sheriff's "windshield" survey conducted at local hotels, motels and lodges; assured Council that most people in our community are being responsible and compliant to current orders; detailed the City's response to news of Mayor Herrick's diagnosis of COVID-19 including

decreasing the number of City Hall staff working onsite, but assured Council that the leadership team and Public Works crews are working and that Code Compliance efforts in addition to other essential City services are still being provided; informed Council of staff's regular communication and coordination efforts with local agencies within the Big Bear Valley and asked if Council had any further ideas or considerations regarding the next steps in dealing with this crisis.

City Manager also discussed how the City will be impacted financially and stated the City has healthy reserves but cautioned they are dedicated for specific purposes but did say there is flexibility in some reserves such as the General Fund if needed; he also expressed that he feels reasonably confident that the City will be financially sound thru the remainder of this fiscal year, brought up the notion of possibly deferring Transient Occupancy Tax; wanted to hear Council's thoughts about special events held in Big Bear Lake including the 4th of July fireworks show.

Kelly Ent, Director of Government Services, discussed another major revenue source for the City – property tax; said property tax revenue may be impacted but that wouldn't be seen until Fiscal Year 2021-2022 due to the way property tax is levied and collected.

John Harris, Director of Development Services, assured Council it is “business as usual” in regards to Public Works' operations and assured Council that Code Compliance services are still being provided and Code calls are being handled promptly on a priority basis.

Erica Stephenson, Director of Development Services, discussed staff morale and well-being along with the City's communication efforts with staff members.

Mayor Pro Tem Putz does not think TOT remittance should be deferred as he believes the money set aside for TOT belongs to the City and not the property owner and is concerned about the precedent it would set if the City did decide to defer TOT payments - believed it's important for the City to explore other ways to support residents but does not recommend TOT deferral; said we need to start thinking about the future in terms of recovery; commented that he thinks the City should hold off making a decision on the 4<sup>th</sup> of July fireworks show since we still have some more time before the first payment is required; stated he feels comfortable with the actions the City has made thus far; thanked the City Manager and City staff for their hard work, applauded Mayor Herrick on his brave announcement and thanked Councilmember Caretto for being active on social media and presenting factual information to the community.

Councilmember Caretto said he appreciates all the communication efforts from staff; glad to see that the County also supports the no-lodging order; addressed some of the concerns he has heard regarding private home rental online reservation services' non-compliance with the Governor's order; agreed with Mayor Pro Tem Putz regarding TOT remittance, but wondered if there might be a way the City could delay TOT remittance for a period of time and lien the property in an effort to protect the City's TOT revenue; believes we should wait until the last minute to decide on how to proceed with the 4<sup>th</sup> of July fireworks show; suggested we emphasize to the public that the Code Compliance and Public Works Department are still in operation.

Councilmember Jackowski said TOT is held in trust and should be paid to the City in a timely manner; thinks the City should make a last-minute decision in respect to the 4<sup>th</sup> of July fireworks show; thanked the City Manager, staff and Mayor Herrick for setting a good example.

Councilmember Jahn thanked the City Manager and the staff for all the hard work and asked Kelly Ent to describe the City's current budget cutbacks.

Kelly Ent, Director of Government Services, discussed the cutbacks the City is implementing in response to this issue including capital purchase items and contractual services, indicated that staff has worked to identify things that should not significantly impact the organization or the essential services we provide.

Councilmember Jahn said he is not currently in the position to support deferral of TOT payments; believes the City should wait to decide on the 4<sup>th</sup> of July fireworks show because we need to be careful on how tax payer money is spent; believes an ad-hoc committee should be formed to begin planning how to re-start the local economy after the crisis begins to subside.

At the hour of 11:05am Councilmember Jahn left the meeting.

Mayor Herrick thanked everyone for the well wishes; reminded everyone to take this situation very seriously and not be cavalier; stated events in the valley should not be held if the number of confirmed cases continue to rise; agrees with the other Councilmembers regarding the collection of TOT and thinks if payments are deferred we would be setting some businesses up for failure; he indicated he may be willing to consider setting up loans through the City's General Fund; wanted to address that all solid waste collection will continue, encouraged residents to tie off their trash bags to help limit the possible COVID-19 exposure to solid waste collection employees and conveyed that Big Bear Area Regional Wastewater

Agency reminded everyone to not flush disinfectant wipes down the toilet; lastly thanked Frank and the staff for their efforts in dealing with the situation.

Frank A. Rush, Jr., gave his thanks to staff, governmental partners, other community stakeholders and Council.

Erica Stephenson, City Clerk, called on the public for comment.

Michael Perry: Thanked the City for their efforts and wished everyone well.

Johnny Wells: Thanked the City for taking action on this issue; expressed his interest to know how much support the valley is receiving from the County of San Bernardino.

Jeff Willis, Big Bear Fire Department Chief, discussed the efforts of the Fire Department in the interest of public safety.

## **ADJOURNMENT**

There being no further business to come before the Council at this session, Mayor Herrick adjourned the meeting at 11:15 a.m. in honor of all those who have been affected by the COVID-19 pandemic.

  
Erica Stephenson, City Clerk