

**COUNCIL RESOLUTION NO. 21-101**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CARSON, CALIFORNIA, RESCINDING RESOLUTION NO. 21-088, WHICH  
PROVIDED FOR HERO PAY FOR ESSENTIAL WORKERS  
IN THE CITY OF CARSON**

**WHEREAS**, the coronavirus (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 California and remains a significant health risk to the community, especially members of our most vulnerable populations; and

**WHEREAS**, the World Health Organization has declared that COVID-19 is a global pandemic, which is particularly severe in high risk populations such as people with underlying medical conditions and the elderly, and the WHO has raised the health emergency to the highest level, requiring dramatic interventions to disrupt the spread of this disease; 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**, the City of Carson declared a local state of emergency related to the COVID-19 pandemic on March 17, 2020; and

**WHEREAS**, on March 19, 2020, California Governor Gavin Newsom issued a “Stay Home – Stay Healthy” proclamation closing all non-essential workplaces, requiring people to stay home except to participate in essential activities or to provide essential business services, and banning all gatherings for social, spiritual, and recreational purposes. In addition to healthcare, public health and emergency services, the “Stay Home – Stay Healthy” proclamation identified grocery stores as essential business sectors critical to protecting the health and well-being of all Californians and designated their workers as essential critical infrastructure workers; and

**WHEREAS**, for purposes of this resolution, “essential workers” are defined as non-management employees that work in grocery stores, drug stores, and other retailers selling necessary products including but not limited to groceries and pharmaceutical drugs, which are recognized as essential businesses operating in Carson during the COVID-19 emergency, making essential workers highly vulnerable to economic insecurity and health or safety risks; and

**WHEREAS**, on July 6, 2021, the City adopted Resolution No. 21-088, which provided essential workers an opportunity to voluntarily be provided additional pay by their employers on a retroactive basis, with such additional pay consisting of an increase of \$4 per hour to those who performed essential work between the months of December 1, 2020 to March 1, 2021, which represents the time period of the greatest surge in COVID-19 cases in the City of Carson, for all hours worked by essential workers between such timeframe (aka “Hero Pay”); and

**WHEREAS**, on July 20, 2021 the City Council carefully reviewed and reconsidered all of the evidence, including the staff report and public comments presented and unanimously voted that Resolution No. 21-088 should be rescinded on the grounds that the Hero Pay may result in closure of the City's grocery stores as well as limit the bargaining authority and power of the labor unions within the City of Carson; and

**WHEREAS**, this Resolution is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guidelines, as it is not a "project" and has no potential to result in a direct or reasonably foreseeable indirect physical change to the environment because it is merely the formation of an organization. (14 Cal. Code Regs. § 15378(a).) Further, this Resolution is exempt from CEQA because there is no possibility that this Resolution or its implementation would have a significant negative effect on the environment. (14 Cal. Code Regs. § 15061(b)(3).) The City Clerk shall not cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY RESOLVE, DETERMINE, AND FIND AS FOLLOWS:**

**SECTION 1. FINDINGS.** The findings and determinations reflected in the Recitals above are true and correct, and are incorporated herein by this reference.

**SECTION 2. MINIMUM REQUIREMENTS.** Resolution No. 21-088 establishing the Hero Pay Program is hereby rescinded. Nothing in this Resolution shall be interpreted or applied so as to create any power or duty in conflict with federal or state law. Nothing in this Resolution shall be construed as restricting an essential worker's right to pursue any other remedies at law or equity for violation of their rights.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is held for any reason to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

**SECTION 4.** The City Clerk shall certify to the passage of this Resolution which shall take effect immediately upon passage.

**PASSED, APPROVED, and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Mayor Lula Davis-Holmes

ATTEST:

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City Clerk,

APPROVED AS TO FORM:

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City Attorney Sunny K. Soltani