

RESOLUTION NO. .

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION: A) ESTABLISHING THE RESTAURANT, BREWERY, AND WINERY RELIEF PROGRAM AND ALLOCATING \$1,000,000 FROM THE COUNTY GENERAL FUND FOR GRANTS TO QUALIFYING RESTAURANTS THAT HAVE INCURRED ECONOMIC HARDSHIP DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY; AND B) AUTHORIZING THE COUNTY MANAGER, OR DESIGNEE, TO DEVELOP AND MODIFY APPLICATION AND GRANT AWARDING PROCESSES CONSISTENT WITH THE CRITERIA SET FORTH IN THIS RESOLUTION; AND C) AUTHORIZING THE COUNTY MANAGER, OR DESIGNEE, ACTING IN CONSULTATION WITH THE COUNTY COUNSEL, TO NEGOTIATE AND EXECUTE, ON BEHALF OF THE COUNTY OF SAN MATEO, AN AGREEMENT WITH SMCU COMMUNITY FUND TO ADMINISTER AND DISTRIBUTE TO QUALIFYING ESTABLISHMENTS GRANTS FROM THE RESTAURANT, BREWERY AND WINERY RELIEF PROGRAM, FOR A TERM THROUGH DECEMBER 31, 2021, PROVIDED THAT THE AMOUNT PAID FOR SUCH SERVICES SHALL NOT EXCEED \$50,000

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, on March 3, 2020, and pursuant to Section 101080 of the California Health and Safety Code, the San Mateo County Health Officer (the “Health Officer”) declared a local health emergency throughout San Mateo County related to the novel coronavirus (“COVID-19”) and this Board has ratified and extended this local health emergency, which remains in effect throughout San Mateo County; and

WHEREAS, on March 3, 2020, and pursuant to Section 8630 of the California Government Code and Chapter 2.46 of the San Mateo County Ordinance Code, the San Mateo County Director of Emergency Services proclaimed a local emergency throughout San Mateo County related to COVID-19 and this Board has ratified and extended the proclamation of a local emergency (“Local Emergency”), which remains in effect; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency related to COVID-19 (“State of Emergency”), effective throughout the State of California; and

WHEREAS, on March 14, 2020, the Health Officer prohibited all public or private gatherings of 50 or more people and urged the cancelation of all gatherings of 10 or more people in a single confined space; and

WHEREAS, on March 16, 2020, the Health Officer issued an order that, among other things, directed all individuals living within San Mateo County to shelter in their place of residence (“Original Shelter-in-Place Order”), and authorized individuals to leave their residences only for certain “Essential Activities,” Essential Governmental Functions,” or to operate “Essential Businesses,” all as defined in the Original Shelter-in Place-Order; and

WHEREAS, several times since March 16, 2020, and most recently, on June 4, 2020, the Health Officer issued revised Shelter-in-Place Orders extending the Original Shelter-in-Place Order due to evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; and

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which, imposed a Statewide Shelter-In-Place Order requiring individuals to remain in their places of residence except as needed to maintain continuity of operations of critical infrastructure, access necessities such as food, prescriptions and healthcare, or engage in other authorized activities; and

WHEREAS, on May 8, 2020, Governor Newsom announced a plan to allow the limited reopening of some businesses beyond those in the category of essential critical infrastructure, which is part of the "Resilience Roadmap" for California, the multiphase plan to modify the Statewide Shelter-In-Place Order; and

WHEREAS, on June 16, 2020, the State approved the County's request for a variance allowing the County to align with the Resilience Roadmap for California; and

WHEREAS, on June 17, 2020, the Health Officer rescinded the June 4, 2020 revised Shelter-in-Place Order and replaced it, effective immediately, with a new order aligning the County with the Statewide Shelter-in-Place Order/Resilience Roadmap, emphasizing individual behavior and the practices that businesses must follow as they resume operations, including limiting gatherings to no more than 50 people, outlining social distancing and face covering requirements, allowing for social bubbles, and requiring businesses to implement a social distancing protocol and written health and safety plans, based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area and the Health Officer will continue to update San Mateo County orders to align with State guidelines; and

WHEREAS, due to an unprecedented surge in COVID-19 cases, effective December 17, 2020, the State issued a Regional Stay at Home Order for the entire Bay Area region, which includes the County, and that Regional Stay at Home Order remains in place; and

WHEREAS, as of January 20, 2021, there have now been over 3,000,000 confirmed COVID-19 cases across the State, with over 35,000 deaths, and 33,207 confirmed cases in the County, with 309 deaths; and

WHEREAS, with the current closure of indoor and outdoor dining at restaurants, breweries, and wineries within the County and throughout the State and the probable reduced level of indoor and outdoor dining and congregating in the future, many restaurants, breweries, and wineries in the County have suffered significant adverse

financial impacts that are likely to continue for some time, threatening their ongoing viability; and

WHEREAS, the continued viability of the County's restaurants, breweries, and wineries is critical to ensure the availability of essential food and beverage services to residence of the County and to sustain the vitality of the local economy and the sources of employment and neighborhood vitality that such establishments in the County provide to their communities; and

WHEREAS, this Board finds and determines that it is in the public interest to take action to ensure the ongoing availability of essential prepared food and beverages from San Mateo County' restaurants, breweries, and wineries and to sustain the ongoing economic viability of these establishments during the COVID-19 public health emergency, thereby allowing them to remain as sources of employment and neighborhood vitality in the County;

WHEREAS, the Chan-Zuckerberg Initiative ("CZI") has committed \$1,000,000 to establish a grant program for independently-owned restaurants located in Southern San Mateo County (East Palo Alto, Menlo Park, unincorporated Menlo Park and North Fair Oaks) and in Palo Alto; and

WHEREAS, CZI is partnering with the SMCU Community Fund ("Community Fund") for the administration and distribution of these funds; and

WHEREAS, the Community Fund and the Silicon Valley Community Foundation ("SVCF") have identified a total of \$384,000 that can be used for similar grant funding for restaurants, breweries, and wineries located in other parts of the County; and

WHEREAS, this Board wishes to allocate \$1,000,000 in General Funds that will be combined with funds from CZI, the Community Fund and SVCF to establish the Restaurant, Brewery, and Winery Relief Program (“Program”) in order to make grants to restaurants, breweries, and wineries located in San Mateo County that have been adversely economically impacted by the COVID-19 public health emergency; and

WHEREAS, this Board has concluded that applicants for such grants from the Program shall meet the following requirements: (a) the applicant operates either (i) a “restaurant,” which, for purposes of the Program, means a restaurant, winery, or brewery with a brick and mortar physical location within San Mateo County and with a full service kitchen on site; (ii) a “brewery”, which, for purposes of the Program, means a brewery in possession of an active California Department of Alcoholic Beverage Control (“ABC”) Type 23 (Small Beer Manufacturer) License with a brick and mortar physical location within San Mateo County; or (iii) a “winery”, which, for purposes of the Program, means a winery in possession of an active ABC Type 2 (Wine Grower) License with a brick and mortar physical location within San Mateo County; (b) the establishment for which the grant is sought was being lawfully operated prior to March 11, 2020; (c) the applicant is providing takeout food service or sale of food- or beverage-related goods from the site of the establishment as of the time of the grant application; (d) the applicant’s establishment has been adversely economically impacted by the COVID-19 public health emergency; (e) the applicant owns no more than five (5) restaurants, breweries, and/or wineries within the jurisdictional boundaries of San Mateo County; and (f) the applicant possesses a government-issued photo identification; and

WHEREAS, this Board has concluded that applicants shall be ineligible for grants from the Program under the following circumstances: (a) when the applicant's establishment has received or been approved for a grant from the targeted small business assistance program managed and administered by the Renaissance Entrepreneurship Center and approved by this Board on October 20, 2002, pursuant to Resolution No. 077791 or from the San Mateo County Strong Fund Small Business Grant Program administered by the Community Fund and approved by this Board on November 10, 2020, pursuant to Resolution No. 077828; (b) the applicant's establishment is currently participating in the Great Plate Program and has billed \$200,000 or more to the County for meals provided pursuant to that Program; (c) the applicant's establishment operates in a hotel without a separate business license; (d) the applicant is a home based business, a catering company, a cottage food operator, or a micro-enterprise home kitchen operation; or the applicant is a corporate-owned franchise; and

WHEREAS, this Board desires to authorize the County Manager, or designee, acting in consultation with the County Counsel, to negotiate and enter into, on behalf of the County, an agreement with the SMCU Community Fund, or other appropriate agency, for a term through December 31, 2021, for administration and distribution of grants of up to \$10,000 each from the Program, provided that the amount paid for such services shall not exceed \$50,000.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Restaurant, Brewery, and Winery Relief Program is established and \$1,000,000 is allocated from the County General Fund for Grants to qualifying restaurants that have incurred economic hardship due to the COVID-19 public health emergency with such

grants being in amounts of up to \$10,000 each and subject to the conditions and criteria set forth in this resolution, and County staff are authorized and directed to transmit such funds to the SMCU Community Fund, pursuant to the agreement for administration and distribution of Restaurant, Brewery, and Winery Relief Program grant funding, to be negotiated and executed, as set forth herein.

BE IT FURTHER RESOLVED that that this Board authorizes the County Manager, or designee, to develop and modify application and grant awarding processes consistent with the criteria set forth in this resolution.

BE IT FURTHER RESOLVED that the County Manager, or designee, is hereby authorized and directed, acting in consultation with the County Counsel, to negotiate and execute an agreement with SMCU Community Fund to administer and distribute to qualifying establishments grants from the Restaurant, Brewery, and Winery Relief Fund, for a term through December 31, 2021, provided that the amount paid for such services shall not exceed \$50,000.

BE IT FURTHER RESOLVED that the County Manager or his designee is authorized to execute contract amendments which modify the County's maximum fiscal obligation by no more than \$25,000 (in aggregate) and/or modify the contract term and/or services so long as the modified term or services is/are within the current or revised fiscal provisions.

BE IT FURTHER RESOLVED that the County Manager, or designee, is authorized to apply state and/or federal funds that may be made available in connection with the County's response to the COVID-19 public health emergency to reimburse the

County's General Fund for all or a portion of the monies expended on the Restaurant, Brewery, and Winery Relief Program, including all General Fund monies allocated for grants under the Restaurant Relief and all monies paid to the SMCU Community Fund, to administer and distribute Restaurant, Brewery, and Winery Relief Program grant funds.

BE IT FURTHER RESOLVED that the County Manager, or designee(s), shall periodically report back to this Board regarding the status of the efforts called for by this resolution.

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