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REPORT TO COUNCIL

SUBJECT

CONTINUED FROM OCTOBER 13, 2020.

Approve Participation in the Bay Area Air Quality Management District Spare the Air Cut the Commute Pledge

BACKGROUND

On March 16, 2020, the County of Santa Clara issued an initial public health shelter-in-place (SIP) order in response to the spread of the COVID-19 virus. This order required nonessential businesses to cease most operations, except for those activities that could be performed by employees working from home. This order was issued in coordination with six other public health officers in the region and has been modified and extended through the current time. As a result, the City significantly increased the number of employees telecommuting.

The COVID-19 pandemic led to a sudden shift in transportation patterns in the Bay Area. In response to public health advice, many employers in Sunnyvale had already taken measures to allow the majority of their employees to work remotely prior to the County's public health order restricting business operations. The County's initial SIP order required any ongoing work at nonessential businesses not defined as "Minimum Basic Operations" to be performed by employees working from their place of residence if possible. As a result, some businesses temporarily ceased operations, and others rapidly transitioned their employees to remote work. Many large employers in the Bay Area have announced they will allow their employees to work remotely through at least the end of 2020 and, in some cases, permanently.

EXISTING POLICY

General Plan Policy EM-11.1 The City should actively participate in regional air quality planning. (Previously Air Quality Policy C.1 also Air Quality Goal C)

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental, organizational or administrative activity that will not result in direct or indirect changes in the environment.

DISCUSSION

As part of their current "Spare the Air" campaign, the Bay Area Air Quality Management District (BAAQMD) developed a program to encourage broader use of remote work and support employers in safely reopening and resuming operations. This program, which BAAQMD launched on July 13, 2020 (Attachment 1), includes a pledge committing employers to adopt a policy that extends remote work options by at least 25 percent as a component of their organization's reopening plan.

Additionally, at the August 13, 2020 Cities Association meeting, the Board of Director's passed a motion to support the BAAQMD Cut the Commute Pledge (Attachment 2) and ask all member jurisdictions to support the pledge. The *Cut the Commute Pledge* offers an opportunity for representatives of Bay Area companies and organizations to pledge to provide remote work options for their employees. Staff will notify businesses of the pledge and will partner with the Sunnyvale Silicon Valley Chamber of Commerce and the Sunnyvale Downtown Association to promote this pledge and support expanded telecommuting by Sunnyvale businesses.

Although the City does not have a permanent telecommuting program, in response to the County's SIP order, the City took action to temporarily allow as many employees as possible to work remotely. The City is in the process of implementing a limited duration Remote Work policy to ensure the highest level possible of continuity of operations during a health emergency, while addressing health and safety concerns for employees. The employee's eligibility for remote work will depend on the type of work performed, operational needs, and the ability for the employee to maintain the essential functions of their job duties. The reopening of City facilities to the public and the return of City employees to work on-site will depend on County orders regarding allowed activities, required safety protocols, and the City's readiness to provide broader access to City facilities and services in a manner that protects the health and safety of City employees and the public. Staff will assess the benefits and challenges associated with telecommuting with the aspirational goal of establishing a telecommuting program that meets the goal of this BAAQMD Cut the Commute Pledge.

The City provides employees with a Commuter Transportation Benefit in accordance with the Internal Revenue Code Section 132(f) that provides an option for employees to pay for qualified work-related transportation expenses for public transit, including train, subway, bus, vanpool, parking and park-and-ride expenses on a pre-tax basis, up to current IRS limit per month for mass transit or vanpooling costs.

FISCAL IMPACT

There is no direct fiscal impact from signing the Pledge. The City may choose to develop additional measures to support telecommuting in the future that may have associated costs, which can be considered by the City Council at the time such measures are presented for approval.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

STAFF RECOMMENDATION

Approve participation in the BAAQMD Cut the Commute Pledge with the aspirational goal to extend remote work options by at least 25 percent for employees whose work requirements allow for that flexibility to improve air quality and quality of life for all Bay Area residents. Implementation details of the remote work policy will be determined by the City Manager.

Prepared by: Michelle Zahraie, Management Analyst

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. July 13, 2020 BAAQMD Press Release
2. BAAQMD Cut the Commute Pledge (hyperlink)