



Agenda Item No. 12.

Staff Report

Date: June 18, 2020

To: Mayor McMillan and Ross Town Council

From: Joe Chinn, Town Manager
Mike Armstrong, Recreation Manager

Subject: Town Council discussion/direction on use of Ross Common for outdoor use for the Recreation Department and School activities to comply with COVID-19 social distancing requirements in relation to that area of the Common that dogs are currently not prohibited

Recommendation

Discuss and provide direction to the Director of Emergency Services (the Mayor) and the Assistant Director of Emergency Services (Town Manager) regarding use of Ross Commons by the Ross School and the Ross Recreation Department for purposes of facilitating social distancing.

Background and discussion

The Ross School has requested that the Town consider authorizing the School to utilize additional areas of Ross Commons in order to facilitate social distancing and help slow the spread of COVID-19. Similarly, The Ross Recreation Department seeks to utilize certain areas of Ross Commons in order to facilitate and support socially distanced recreational activities. In order to facilitate these uses, staff requests that the Town Council discuss and provide direction regarding expanding the areas of Ross Commons in which dogs are prohibited. This topic is discussed in further detail below.

Use of Ross Commons During COVID-19 Pandemic

On March 16, 2020 seven Bay Area counties, including Marin County, issued a Shelter in Place Order effective beginning March 17, directing residents to remain at their place of residence except as necessary to perform essential activities, such as food shopping and medical visits. On March 19, 2020, the Town Council of the Town of Ross declared a Local Emergency relating to the existence and anticipated spread of COVID-19, as defined in California Government Code Section 8630. Also, on March 19, 2020, California Governor Newsom issued Executive Order N-33-20, a similar Shelter in Place Order, directing all Californians to remain at their place of

residence except as necessary for essential activities. In May, the Governor of California and the California Department of Public Health published guidance regarding the reopening of certain businesses, subject to stages established by the State.

The Shelter in Place Order required the closure of all in-person learning at schools and in-person recreation programs. Recent changes to Health Orders are now allowing in person schools and recreation programs to begin again but under stringent social distancing requirements due to the risk of COVID-19 spread. For example, recreation programs are limited to only twelve participants who need to stay with the same group each day. There are social distancing and safety protocols to assist in the safety of the participants and instructors. In addition, there is an overall emphasis that the outdoor spaces are safer to utilize than indoor spaces. As such, Ross Recreation classes will be more spread out on the Common in groups of twelve participants over the summer. Similarly, when Ross School opens in August it is likely that class sizes will be required to be smaller and the School is looking to utilize outdoor areas to a greater extent this coming fall due to COVID-19 including the Common.

Dr. Michael McDowell, the Ross School Superintendent, wrote a letter received by the Town (attached) on June 4, 2020, that discusses his core charge as Superintendent is to ensure student safety and student learning. The letter discusses the School often has children expressing fears and anxiety of coming into school because of the interactions with dogs. He mentions that the School District, which pays to utilize the Common, are often unable to utilize the space for classroom-based instruction, recess, or lunch because of the dogs and the remnants that remain from the dog usage. In addition, due to COVID-19, the ability to use this space is more critical for the upcoming school year. Ross Recreation shares similar concerns about some children expressing fear of the dogs, the health and sanitary conditions of portions of the Common due to dog remnants, and additional space needs to operate due to COVID-19.

Ross Municipal Code Regulations of Dogs at Ross Commons

Section 8.04.161 of the Ross Municipal Code prohibits dogs on portions of Ross Common. This section provides in part:

“It is unlawful for the owner or person having control of any dog to allow or permit such dog, under any circumstances and at any time, whether leashed or unleashed, to be upon or within the publicly maintained park area commonly referred to as "The Commons, (playing field)" and more particularly described as that improved lawn area lying completely within the asphalt pathway running the entirety of its southerly and easterly borders, the Ross school's playground on its westerly border, (and the asphalt pathway between the Ross School Multipurpose Room Stage and the area of the crosswalk across from the Post Office on its northerly border); provided, that this prohibition shall not apply to a person with disabilities requiring the use of a guide dog, signal dog or service dog to obtain equal access to such publicly maintained property.”

Pursuant to RMC section 8.04.161, there is a limited area of Ross Commons in which dogs are not expressly prohibited. This area includes that portion of Ross Commons between the Ross

Recreation office and Lagunitas Road. Because dogs are not expressly prohibited in this portion of Ross Commons, these areas are heavily used by dogs and dog owners.

For the reasons explained more fully above, this area may be well suited for use by the Ross School and the Ross Recreation Department during a period in which social distancing is required. In order to accommodate social distancing, the Town Council may wish to consider prohibiting dogs in this area temporarily during the COVID-19 state of emergency so as to allow greater usage of this area by the Ross School and Ross Recreation without interference from dogs. The Town Council may wish to consider a more permanent change to RMC section 8.104.161 to prohibit dogs in this area in the future.

If the Council wishes to temporarily prohibit dogs in the above described area of Ross Commons, the Council may direct the Director of Emergency Services (Mayor) and Assistant Director of Emergency Services (Town Manager) to issue an emergency order doing so. The Town Manager would then bring said order to the Town Council for ratification at the following Council meeting.

Fiscal, resource and timeline impacts

For now, staff time to prepare this report.

Alternative actions

Alternative actions are open for discussion.

Attachments

- Letter from Ross School Superintendent Dr. Michael McDowell received June 4, 2020



**ROSS
School
District**

*A California
Distinguished
School*

*We are an
exceptional learning
community that
connects children
to the world by
keeping their hearts,
minds and actions
at the center
of all we do.*

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Greetings Mayor and Town Council Members,

This is the first letter I have written to the Town of Ross regarding a perspective and endorsement of an agenda item. As such, I do not take the submission of this letter lightly and understand that it may be unpopular to some of our community and council members. My intent is to find a solution to ensuring community access to space for their pets and that our students are safe and are able to access the Ross Common before, during and after to school to the greatest extent possible.

My core charge as the Superintendent of Ross School is to ensure student safety and student learning. As an elementary school district, we have many young children traversing the park and sidewalks to and from school. There are numerous dogs that are unleashed that come in close proximity to children. We often have children express their fears and anxiety of coming into school because of their interactions with dogs. Such circumstances are not conducive to preparing children for learning at high levels.

The Ross School administration and staff have always found the dog owners to be cordial and respectful. Yet, the primary function of a dog park and the nature of young children walking to school creates a dynamic that inevitably causes a degree of stress and anxiety for students and potential child injury creating a liability for the Town and potentially Ross School.

As a school district, we pay to use the Ross Common during school and are often unable to utilize the space because of dogs and the remnants that remain from dog usage in the park for classroom-based instruction, recess, or lunch. Moreover, given our current situation with COVID-19, this space is even more critical for school use next year.

Thank you for your consideration of relocating the dog park in the Town of Ross. While I'm supportive of having a space for community members to bring their dogs and socialize with neighbors, I continue to be concerned about the location of the current dog park relative to Ross School. I hope that the Town Council finds an amiable solution that enables community members to enjoy their pastime with their dogs while at the same time provide our students the opportunity to enter and exit the school without fear and access the Ross Common as a learning space and a place for respite.

Kind regards,

A handwritten signature in black ink, appearing to read 'DMcDowell', with a stylized, cursive flourish at the end.

Dr. Michael McDowell