

RESOLUTION NUMBER R- 313843

DATE OF FINAL PASSAGE DEC 17 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO DECLARING A CONTINUED LOCAL
EMERGENCY REGARDING THE CORONAVIRUS
COVID-19 OUTBREAK.

WHEREAS, on March 4, 2020, the Governor of California (Governor Newsom) declared a state of emergency as a result of the threat of the novel coronavirus, COVID-19; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego (Mayor) proclaimed the existence of a local emergency related to the COVID-19 threat, which was ratified by the San Diego City Council (City Council) on March 17, 2020 by Resolution No. R-312895; and

WHEREAS, since that time, Governor Newsom, the County of San Diego Public Health Official (Public Health Official), and the Mayor have issued directives and guidance to state and local residents to stay home or at their place of residence, limiting activities outside the home and practicing safe-distancing measures; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) and the Public Health Official have issued public health guidance related to the operation of shelters and addressing unsheltered homeless populations in light of the COVID-19 threat, including guidance to implement social distancing and housing the unsheltered population; and

WHEREAS, the CDC considers the virus to be a very serious public health threat; and

WHEREAS, conditions of disaster or extreme peril to the safety of persons and property continue to directly affect the safety of persons and property within the City of San Diego; and

WHEREAS, California Government Code section 8630 authorizes local governing bodies to proclaim local emergencies when such events occur as are defined by California Government Code section 8558(c), provided further by section 8630 that the local governing body must

review the state of emergency at least every sixty (60) days until the emergency is declared to be terminated and shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant; and

WHEREAS, the City Council, since declaring the local emergency on March 17, 2020, has regularly continued the declaration as required by State law; and

WHEREAS, during the state of emergency the State of California provided a Blueprint for a Safer Economy, a color-coded, four-tier system that dictates what can reopen and how businesses can operate; and

WHEREAS, on April 6, 2021, Governor Newsom announced that the State of California will fully reopen its economy if two criteria are met: if vaccine supply is sufficient for Californians age 16 years and older who wish to be inoculated, and if hospitalization rates are stable and low; and

WHEREAS, on June 4, 2021, Governor Newsom announced that he will not lift the State of California's state of emergency when California reopens its economy on June 15, 2021, citing that the state of emergency is necessary to continue operating various programs needed to address the continued impacts of the pandemic; and

WHEREAS, on June 11, 2021, San Diego County announced that nearly 2.1 million San Diegans have received at least one shot of the COVID-19 vaccine; and

WHEREAS, on June 15, 2021, the State of California officially retired its Blueprint for a Safer Economy tier system, lifting capacity and physical distancing restrictions for most businesses and activities; and

WHEREAS, on July 7, 2021, the San Diego County Health and Human Services Agency reported that since January 1, 2021, COVID-19 has been primarily occurring in San Diegans

who are unvaccinated or partially vaccinated, representing 99.8 percent of deaths, 99.88 percent of hospitalizations, and 99.1 percent of cases; and

WHEREAS, on August 24, 2021 the California Department of Public Health (CDPH), announced that prevention measures will continue to be necessary for all people—regardless of their vaccination status—until more is known and vaccination coverage increases, because although vaccines in the United States are highly effective at protecting against symptomatic and severe COVID-19, the CDPH cautioned that how long vaccine protection lasts and how much vaccines protect against emerging variants are still under investigation; and

WHEREAS, on September 22, 2021, the United States Food and Drug Administration (FDA) authorized the use of a single booster dose of the Pfizer vaccine at least six months after completion of the primary series of vaccination for individuals 65 years and older, individuals 18 through 64 years of age at high risk of severe COVID-19, and individuals 18 through 64 years of age whose frequent institutional or occupational exposure to SARS-CoV-2 puts them at high risk of serious complications of COVID-19 including severe COVID-19; and

WHEREAS, on October 13, 2021, the County of San Diego's Health and Human Services Agency (H&HSA) reported that a total of 2,242,203 San Diegans, 80% of those eligible, were fully vaccinated against COVID-19; additionally, they urged the public to not get complacent, as those who are immunocompromised, ineligible, or vulnerable still need collective protection during the pandemic; and

WHEREAS, on October 20, 2021, the FDA authorized the use of a single booster dose of the Moderna vaccine at least six months after completion of the primary series of vaccination for individuals 65 years and older, individuals 18 through 64 years of age at high risk of severe COVID-19, and individuals 18 through 64 years of age with frequent institutional or occupational exposure to SARS-CoV-2; and

WHEREAS, on November 3, 2021, the California Department of Public Health approved Pfizer's COVID-19 vaccine for children 5 to 11 years old, and health care providers in the region started to vaccinate children in this age group. As of this date, children 5 to 17 years old are authorized to receive the Pfizer vaccine; and

WHEREAS, on November 24, 2021, the Omicron variant of COVID-19 was identified by scientists in South Africa; and

WHEREAS, on November 26, 2021, the World Health Organization classified the Omicron variant of COVID-19 as a Variant of Concern (VOC), meaning the variant has been demonstrated to be associated with one or more of the following changes at a degree of global public health significance: (1) increase in transmissibility or detrimental change in COVID-19 epidemiology; or (2) increase in virulence or change in clinical disease prevention; or (3) decrease in effectiveness of public health and social measures or available diagnostics, vaccines, and therapeutics; and

WHEREAS, on November 29, 2021, in response to the Omicron variant, the CDC recommended that individuals 18 years or older should get a booster shot either when they are six months after their initial Pfizer or Moderna vaccine series or two months after their initial Johnson & Johnson vaccine; and

WHEREAS, on November 29, 2021, the Council voted 8-1 to move forward with Mayor Gloria's recommendation to institute a vaccine mandate for City employees requiring employees to show proof of full vaccination or request a medical or religious exemption by December 1, 2021; and

WHEREAS, as of November 29, 2021, the County of San Diego has reported a total of 384,193 positive cases and 4,335 deaths due to the COVID-19 pandemic, and 76.9% of San

Diego County residents 5 years old and older (over 2.41 million people) have received at least one dose of the COVID-19 vaccine; and

WHEREAS, per Federal and State guidance, the necessary requirements for lifting the state of emergency declaration and associated policies have not been observed, NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that pursuant to California Government Code section 8630, a state of local emergency is declared to persist in the City of San Diego.

BE IT FURTHER RESOLVED, that the City Council hereby ratifies and approves, in accordance with the police powers vested in City Officials under the Constitution of the State of California, the City Charter, and the laws of this State, including the aforementioned Government Code provisions, and the San Diego Municipal Code, all orders and regulations promulgated, issued and carried out by City officers and City officials from February 14, 2020, until the passage of this resolution, which were necessary to provide for the protection of life and property.

BE IT FURTHER RESOLVED, that during the existence of this local emergency, the powers, functions and duties of the Mayor of this City shall be those prescribed by State law and the Charter, ordinances, resolutions and approved plans of the City of San Diego in order to mitigate the effects of this local emergency, including the receipt, processing, and coordination of all inquiries and requirements necessary to obtain available state and federal assistance.

BE IT FURTHER RESOLVED, that the state of local emergency shall be deemed to continue until its termination is proclaimed by the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Paige E. Folkman
Paige E. Folkman
Chief Deputy City Attorney

PEF:hm
November 24, 2021
Or.Dept: PSE
Doc. No.: 2822976

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 14 2021

ELIZABETH S. MALAND
City Clerk

By Carrie Patterson
Deputy City Clerk

Approved: 12/17/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 14 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 2021.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Cecilia Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313843