

#5503  
12/13/22

(R-2023-326)

RESOLUTION NUMBER R- 314545

DATE OF FINAL PASSAGE DEC 13 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO RECONSIDERING THE CIRCUMSTANCES OF THE STATE OF EMERGENCY RELATED TO COVID-19 AND MAKING FINDINGS TO CONTINUE TELECONFERENCING PUBLIC MEETINGS PURSUANT TO THE RALPH M. BROWN ACT.

WHEREAS, a novel coronavirus, COVID-19, causes infectious disease and was first detected in other countries in December 2019; and

WHEREAS, COVID-19 symptoms include fever, cough, and shortness of breath, and those who have been afflicted have experienced anything from mild illness to death; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) considers COVID-19 to be a very serious public health threat, and the World Health Organization (WHO) declared the COVID-19 outbreak to be a global pandemic; and

WHEREAS, on February 19, 2020, the County Board of Supervisors ratified a declaration of local health emergency related to COVID-19 that remains in effect today; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency in California as a result of the threat of COVID-19 that remains in effect today; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego proclaimed the existence of a local emergency related to the COVID-19 threat, which was ratified by the City Council on March 17, 2020, and remains in effect today; and

WHEREAS, since March 2020, the California Governor, the County of San Diego Public Health Official, and the Mayor of San Diego have all issued directives and guidance that impact residents of San Diego; and

WHEREAS, the Governor's Executive Orders N-25-20 and N-29-20, issued on March 12, 2020 and March 17, 2020, respectively, suspended provisions of the Ralph M. Brown Act (Brown Act) related to teleconferencing of meetings, permitting local jurisdictions to hold public meetings via teleconferencing and allowing members of the public to observe and address the meeting telephonically or otherwise electronically; and

WHEREAS, the Governor's Executive Orders N-08-21 and N-15-21, issued on June 11, 2021 and September 20, 2021, respectively, extended the suspension of the Brown Act provisions through October 1, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361, which provides that a local agency may use revised teleconferencing rules in California Government Code section 54953(e), if the legislative body makes certain findings that the state of emergency continues to directly impact the ability of the members to meet safely in person and those findings are reconsidered every 30 days; and

WHEREAS, on September 13, 2022, City Council made new findings that as a result of the continuing state of emergency related to COVID-19, requiring all participants at public meetings of City Council and other public meetings to meet in person would present imminent risks to the health or safety of attendees, and the findings were reconsidered on October 11, 2022, and November 1, 2022 and again on November 15, 2022; and

WHEREAS, on October 17, 2022, the Governor announced that he will end the COVID-19 state of emergency on February 28, 2023, which will give the health care system flexibility to handle any potential surge that may occur after the holidays and provides time to phaseout reliance on the state of emergency; and

WHEREAS, according to the County COVID-19 Watch – Weekly Coronavirus Surveillance Report, during the week of November 21, 2022 through November 28, 2022, there were 3,837 new cases. The weekly report shows the virus is still active in the region as evidenced by the increase of numbers in active cases; and

WHEREAS, according to the County of San Diego, as of December 1, 2022, current levels of transmission remain substantial for the majority of the City and only 60.3 percent of the eligible population has received the booster; and

WHEREAS, San Diego Epidemiology and Research for COVID Health (SEARCH), a coalition of local institutions that has been testing local effluent for more than a year, posted an update that on November 30, 2022, 4,760,454 million viruses per liter were detected at the Point Loma treatment facility, which remains higher than the amount of virus detected in March and April of this year; and

WHEREAS, in a KPBS article published December 5, 2022, the California Department of Health urged people to seek antiviral treatment for COVID-19 because hospitalizations have more than doubled since November 1, 2022 and the positivity range is in the double digits; and

WHEREAS, many experts are expecting an upcoming surge of COVID-19 this winter and are tracking COVID-19 spread in Europe as an indicator of what could happen in the United States in coming months, including the spread of new variants; and

WHEREAS, the University of California, San Francisco Chair of Medicine recently reported concern about “the persistently low numbers of people getting new bivalent booster shots” and expects that could result in tens of millions of preventable cases and thousands of preventable deaths, most within high-risk groups; and

WHEREAS, City Council members, Council members' staff, and City staff with existing health conditions, autoimmune disorders, pregnancies, and other pre-existing conditions are still at risk of contracting COVID-19 and being severely impacted by the disease regardless of vaccination status; and

WHEREAS, the public health and safety of attendees at public hearings in the City is of the utmost importance; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(1), this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, and also sitting as the legislative body of the Housing Authority of the City of San Diego and of the Public Facilities Financing Authority, as follows:

1. That the recitals set forth above are true and correct and form the basis for the findings of this Resolution.
2. That the Council finds that there is an existing proclaimed state of emergency and the state of emergency continues to directly impact the ability of members to meet safely in person.

3. That to the extent legally permissible, this finding applies to all boards, commissions, and committees of the City of San Diego, including those established by the City Council or where the City Council sits as the legislative body of the applicable entity and are subject to the Brown Act, and further to all City boards, commissions, and committees created under the City Charter and those that comply with the Brown Act under direction from the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By     /s/ Heather M. Ferbert      
Heather M. Ferbert  
Chief Deputy City Attorney

HMF:sc  
12/07/2022  
Or.Dept: Council President  
Doc. No. 3160056

Passed by the Council of The City of San Diego on DEC 13 2022, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Kent Lee	<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 13 2022

**(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 *Jupitelle Medina*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 314545