

RESOLUTION NUMBER R- 315935DATE OF FINAL PASSAGE DEC 18 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DIRECTING THE CITY'S MANAGEMENT TEAM FOR LABOR RELATIONS TO MEET AND CONFER, AS REQUIRED BY THE MEYERS-MILIAS-BROWN ACT, RELATED TO A PROPOSED ORDINANCE TO ESTABLISH CITY STANDARDS FOR LOCAL EMERGENCIES RELATED TO HOUSING AND HOMELESSNESS.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On July 22, 2024, the Council provided direction to the Homelessness Strategies and Solutions Department (Department) to return to the Council with responses to a series of requests related to the issue of homelessness in the City of San Diego (City).

B. On July 30, 2024, the Council approved an updated shelter crisis declaration. Following the meeting, Council President Sean Elo-Rivera's Office (Council President) and the Department worked together to develop a proposed ordinance to authorize the Mayor and the Council to declare local emergencies related to housing and homelessness in the City. The Council President and the Department developed two ordinances: an emergency ordinance and a due course ordinance, with the same substance; both ordinances (Ordinance) propose to amend the San Diego Municipal Code (Municipal Code).

C. The Ordinance does not declare a local housing or homelessness emergency, but it authorizes the Mayor to do so when certain conditions are met, and the Ordinance establishes the Mayor's authority during a declared local housing or homelessness emergency.

D. Under the Ordinance, the Mayor may declare the existence of a local housing emergency when the City's housing supply is projected to be at least 40% below its annual housing production goals as established in the City's Housing Element approved by the California Department of Housing and Community Development and reported in the City's quarterly progress report on implementation of the Housing Element. The Mayor may declare the existence of a local homelessness emergency when the City has reached a crisis as indicated by either of the following: (1) the unhoused population in the City is greater than two times the total number of shelter spaces or beds, or (2) there is a citywide increase in the unhoused population by more than 20% in a single year as reported in the annual Point-in-Time Count. If facts supporting both a housing emergency and homelessness emergency co-exist, the Mayor may declare a combined local housing and homelessness emergency. The Council must ratify the Mayor's original declaration within 30 calendar days. During a declared local housing, homelessness, or combined emergency, the Mayor will have authority to: (1) make, issue, and enforce rules, regulations, orders, and directives that the Mayor considers necessary to address the emergency; (2) procure public works contracts, contracts for services, contracts for goods, and consultant contracts for facilities necessary to safeguard life, health, or property caused by the emergency; (3) suspend certain procurement requirements to streamline contracting processes to respond to the emergency, including Council approval requirements for certain contracts with public agencies and nonprofit organizations not to exceed \$5 million or a term of five years, and certain competitive bidding requirements for a term not to exceed two years; and (4) accept, appropriate, and expend any grant funding necessary to respond to the emergency or

to facilitate mitigation efforts related to the emergency unless Council approval is required by the granting authority. During a declared local emergency, quarterly reports will be presented to the Council on the status and progress in addressing the emergency, including identifying contracts procured in accordance with the rules suspended by the Mayor during the declared local emergency. After the Council reviews the quarterly report, if the Council finds that a need for the emergency no longer exists, or the emergency is no longer beyond the control of the normal services, personnel, equipment, and facilities of the City, the Council may act to terminate or not renew the declaration. An emergency declaration will expire unless the Council renews it every 90 calendar days.

E. The authority granted during a declared local housing, homelessness, or combined emergency does not allow the Mayor to reverse or override the Council's budgetary authority, or to make amendments to the Municipal Code outside of the normal process that requires Council action.

F. The Ordinance also includes amendments to Chapter 5, Division 2, of the Municipal Code related to consumer protections against unlawful pricing practices upon a declaration of a local housing, homelessness, or combined emergency.

G. The Ordinance was placed on the Council's September 9, 2024, agenda. On September 6, 2024, the City's Human Resources Department provided advance notice of the Ordinance to the City's six recognized employee organizations (REOs). As a result of the notice, representatives for the REOs requested further information on the Ordinance, and they requested to engage in bargaining under the Meyers-Milias-Brown Act (MMBA) on mandatory subjects of bargaining related to the Ordinance. The Ordinance was returned to staff on September 9, 2024, and it was not considered by the Council.

H. The Council now finds that the Ordinance, proposing to amend the Municipal Code, to authorize local emergencies on housing and homelessness is necessary to mobilize resources, save lives, and provide for the public health, welfare, and safety of all San Diegans more rapidly. However, the Council intends to satisfy the City's obligations under the MMBA prior to making a final determination on the Ordinance. Specifically, before implementation of the Council's policy determinations that are managerial in nature, as defined by the MMBA, the Council must allow the City's recognized employee organizations to identify the impacts of the policy determinations that trigger bargaining under the MMBA, and the City must complete any required meet and confer process. The Council must also complete the meet and confer process on the mandatory subjects of bargaining in the Ordinance before making a final decision on it.

I. The Council now wishes to direct the City's management team for labor relations to begin the meet and confer process on the mandatory subjects of bargaining related to the Ordinance, described in this Resolution.

J. The Office of the City Attorney has drafted this Resolution based on the information provided by City staff, including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate.

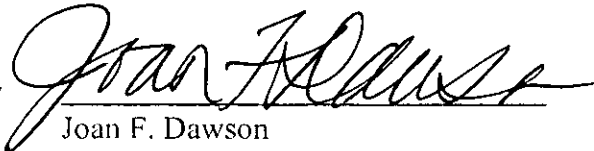
ACTION ITEMS

BE IT RESOLVED by the Council of the City of San Diego:

The Council directs the City's management team for labor relations to engage in the meet and confer process on the mandatory subjects of bargaining related to the Ordinance, which is on

file in the Office of the City Clerk, as File No. RR- 315935, and to return to the Council for the Council's final determination on the MMBA issues and the Ordinance.

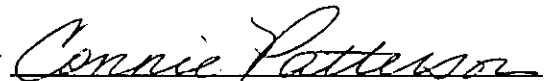
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Joan F. Dawson  
Senior Deputy City Attorney


JFD:cm  
December 3, 2024  
Or.Dept: Council District 9  
Doc. No. 3856066

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on DEC 09 2024.

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 12/13/24  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor.

Passed by the Council of The City of San Diego on DEC 09 2024, 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"/>
Henry L. Foster III	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" 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 18 2024

(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)

DIANA I.S. FUENTES  
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy  
For Connie Patterson

Office of the City Clerk, San Diego, California  
Resolution Number R- 315935