

ORDINANCE NUMBER O- 31236 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 02 2021

AN EMERGENCY ORDINANCE AMENDING CHAPTER 3, ARTICLE 11, DIVISIONS 1 AND 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 311.0109 AND 311.0209 TO EXTEND THE SUNSET PROVISIONS RELATING TO COVID-19 WORKER RECALL AND RETENTION.

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency in response to a novel coronavirus, SARS-CoV-2, which causes the COVID-19 disease (COVID-19); and

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified a declaration of local health emergency related to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of 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, on September 8, 2020, by Emergency Ordinance O-21231, the City Council adopted the COVID-19 Worker Recall and Retention Ordinance to ensure hotel and janitorial workers in the City who lost their jobs due to the impacts of COVID-19 were restored to their original positions in an orderly fashion and to otherwise guarantee fair employment practices when businesses change ownership during the pandemic; and

WHEREAS, the COVID-19 Worker Recall and Retention Ordinance is set to expire on March 8, 2021; and

WHEREAS, according to the California Employment Development Department (EDD), between March and April of 2020, approximately 88,100 leisure and hospitality workers in the

San Diego metropolitan statistical area lost their jobs, with only 42,800 of those jobs having returned as of December 2020; and

WHEREAS, the EDD recently reported that between November and December 2020 the leisure and hospitality industry experienced a further decline of 9,600 in the San Diego metropolitan statistical area; and

WHEREAS, this emergency ordinance will extend the sunset date of the COVID-19 Worker Recall and Retention Ordinance until March 8, 2022 to provide sufficient time for the building services and hotel industries to recover so that employees can be restored to their original positions when employers are able to start rehiring; and

WHEREAS, San Diego City Charter (Charter) section 11 vests all legislative authority for the City in the Council; and

WHEREAS, the City Council adopts this ordinance through the police powers vested in the City under the California Constitution; and

WHEREAS, the City Council finds there is an emergency necessitating immediate adoption of the ordinance pursuant to Charter section 295 in order to insure that employees will be restored to the original jobs in an orderly fashion and reduce the demand on City-funded social services; and

WHEREAS, under Charter section 280(a)(3), this ordinance is not subject to veto by the Mayor because it is an emergency ordinance; and

WHEREAS, under Charter section 295(e), a supermajority vote of the City Council is required for passage of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 3, Article 11, Division 1 of the San Diego Municipal Code is amended by amending Section 311.0109 to read as follows:

§311.0109 Sunset Provision

Due to the extraordinary effects on employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 2. That Chapter 3, Article 11, Division 2 of the San Diego Municipal Code is amended by amending Section 311.0209 to read as follows:

§311.0209 Sunset Provision

Due to the extraordinary effects on employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 3. This ordinance is declared to be an emergency measure required for the immediate preservation of the public peace, safety, health, and welfare pursuant to Charter section 295, and shall take effect immediately from the day of adoption upon the affirmative vote of at least six members of the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Thomas J. Brady
Thomas J. Brady
Deputy City Attorney

TJB:jvg
2/11/21
Or.Dept:Council District 4
Doc. No.: 2587052

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN EMERGENCY ORDINANCE AMENDING CHAPTER 3, ARTICLE 11, DIVISIONS 1 AND 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 311.0109 AND 311.0209 TO EXTEND THE SUNSET PROVISIONS RELATING TO COVID-19 WORKER RECALL AND RETENTION.

§311.0109 Sunset Provision

~~This Division will be effective immediately from the date of adoption by the City Council and will remain effective for 6 months from the date of adoption and as of that date is repealed unless California Assembly Bill 3216 is chaptered in which case, this Division will be repealed on January 1, 2021, unless Council adopts a resolution that extends that date.~~ Due to the extraordinary effects on employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

§311.0209 Sunset Provision

~~This Division will be effective immediately from the date of adoption by the City Council and will remain effective for 6 months from the date of adoption and as of that date is repealed unless California Assembly Bill 3216 is chaptered, in which case, this Division will be repealed on January 1, 2021, unless Council adopts a resolution that extends that date.~~ Due to the extraordinary effects on

employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

TJB:jvg

2/11/21

Or.Dept: Council District 4

Doc. No.: 2587104

MAR 02 2021

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<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"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 02 2021

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAR 02 2021, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By [Signature], Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21296</u></p>
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