

#102
9/21/2021

(R-2022-75)

RESOLUTION NUMBER R- 313715

DATE OF FINAL PASSAGE OCT 01 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 13, 2021, Mayor Todd Gloria extended Executive Order 2021-1, which placed a temporary fee cap on third party delivery applications, for an additional 60 days to allow for continued recovery of the local restaurant industry and relief to its customers; and

WHEREAS, according to the California Department of Public Health (CDPH), vaccines are highly effective at protecting against symptomatic and severe COVID-19, but how long vaccine protection lasts and how much vaccines protect against emerging variants are still under investigation; and

WHEREAS, on August 24, 2021, the CDPH announced that regardless of vaccination status, preventative measures continue to be necessary for all people; and

WHEREAS, the CDPH reports that the more contagious Delta variant accounts for over 80 percent of COVID-19 cases, and cases and hospitalizations are rising throughout the state and the county, especially amongst those that remain unvaccinated; and

WHEREAS, as of September 7, 2021, the County of San Diego has reported a total of 340,709 positive cases and 3,922 deaths due to the COVID-19 pandemic; and

WHEREAS, since the last extension of the local emergency, the State of Emergency has continued at the State level; 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
September 8, 2021
Or.Dept:Mayor
Doc. No.: 2755185

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 21 2021.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 10/1/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on SEP 21 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 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 OCT 01 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313715