

#5504
12/15/2021

(R-2022-207)

RESOLUTION NUMBER R- 313848

DATE OF FINAL PASSAGE DEC 14 2021

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 considers COVID-19 to be a very serious public health threat, and the World Health Organization 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; 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, 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 September 30, 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 reconsidering the circumstances of the state of emergency and those findings are reconsidered every 30 days; and

WHEREAS, at the City of San Diego COVID-19 Response and Recovery Committee meeting on September 20, 2021, County Public Health Officials told the Committee members that they anticipate a fifth wave of COVID-19 cases this winter, especially among people who are unvaccinated; and

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, title 8, section 3205, which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination"; and

WHEREAS, on September 23, 2021, the County of San Diego's Public Health Official, Dr. Wilma Wooten, issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus; and

WHEREAS, over the holiday season in 2020, there was a large spike in COVID-19 cases and deaths in the County of San Diego; and

WHEREAS, as the City approaches the holiday season in 2021, it must be mindful of a potential spike as more individuals travel; and

WHEREAS, on November 10, 2021, Governor Gavin Newsom announced that Californians need to be prepared for a winter surge, stating that “we’ve seen some signs that suggest concerns”; and

WHEREAS, as of mid-November 2021, California has approved booster vaccines for all individuals ages 18 and up; however, many individuals have not received their booster vaccine yet; and

WHEREAS, on November 10, 2021, Dr. Mark Ghaly, Secretary of the California Health and Human Services Agency, stated “if you think you will benefit from getting a booster shot, I encourage you to go out and get it”; and

WHEREAS, Dr. Ghaly further shared concerns that Public Health Officials are seeing more COVID-19 cases among those who were the first to receive the COVID-19 vaccine in 2020; and

WHEREAS, while certain groups of young and healthy individuals have less risk for severe illness or hospitalization from a breakthrough COVID-19 case than seniors and those with weakened immune systems, younger individuals can be the source of transmission to those high-risk groups; and

WHEREAS, at the City of San Diego COVID-19 Response and Recovery Committee meeting on November 15, 2021, County Public Health Officials provided Committee members an update on vaccination efforts and stated that case rates are three times higher among people who are unvaccinated than those who are vaccinated; and

WHEREAS, on December 7, 2021, the County Public Health Officer, Dr. Wilma Wooten reported to the County Board of Supervisors that “the County is still seeing increased COVID-19 cases due to the delta variant” and the “omicron variant has not been detected in the City of San Diego, but it is only a matter of time;” and

WHEREAS, according to the CDC Levels of Transmission, California’s level of transmission of COVID-19 is “substantial transmission” with San Diego’s level determined to be “high transmission;” and

WHEREAS, according to the County of San Diego COVID-19 Watch – Weekly Coronavirus Surveillance Report, during the week of November 28, 2021 through December 4, 2021, there were 5,179 cases, and 26 deaths; and

WHEREAS, the state of emergency continues to directly impact the ability of the City Council members to meet safely in person; and

WHEREAS, the public health and safety of attendees at public hearings in the City is of the utmost importance; 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 Ferbert* _____
Heather Ferbert
Chief Deputy City Attorney

HMF:sc
12/10/2021
Or.Dept: Council
Doc. No.: 2836404

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 14 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- **313848**