

RESOLUTION NUMBER R- 314088

DATE OF FINAL PASSAGE APR 26 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 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 considering the circumstances of the state of emergency and those findings are reconsidered every 30 days; and

WHEREAS, according to the County COVID-19 Watch – Weekly Coronavirus Surveillance Report, during the week of April 3 through April 9, 2022, there were 1,980 cases, 30 deaths, and 8 outbreaks and during the week of March 27 through April 2, 2022, there were 2,212 cases, 30 deaths, and 6 outbreaks; and

WHEREAS, the number of deaths in San Diego County has not decreased since March 13, 2022 and the number of outbreaks has increased since April 2, 2022; and

WHEREAS, County Public Health Officer, Dr. Wilma Wooten, urged “that even with declining case numbers, residents should still take steps to avoid getting COVID-19;” 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, reported on April 8, 2022, that the amount of viruses per liter detected at the Point Loma treatment facility on April 3, 2022, was the same as the amount found on March 21, 2022, remaining nearly double the 1.2 million viruses per liter found on March 14, 2022; and

WHEREAS, COVID-19 transmission continues to fluctuate in the region; 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, many City Council members quarantined during the Council meetings on April 4 and 5, 2022 due to a COVID-19 outbreak to ensure the health and safety of the public, the City Council members, and City staff while continuing important City business on the Council's agenda; and

WHEREAS, the San Diego Tourism Authority reports tourism travel has returned to pre-pandemic levels and air travel has increased 50 percent from last year as more flights are available and COVID-19 restrictions lessen; and

WHEREAS, many of these travelers will originate in other parts of the Country, where there is rise in a new COVID-19 subvariant, BA.2 and the CDC reports the BA.2 subvariant is more transmissible than the earlier omicron variant; and

WHEREAS, WHO states "the disease is still a volatile, huge epidemic, that is not an endemic disease yet" and urged that COVID-19 is still a pandemic with "hot spots around the world"; and

WHEREAS, the state of emergency continues to directly impact the ability of the City Council members and public 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 M. Ferbert
Heather M. Ferbert
Chief Deputy City Attorney

HMF:sc
4/19/2022
Or.Dept: Council
Doc. No.: 2956837

Passed by the Council of The City of San Diego on APR 26 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"/>
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 APR 26 2022.

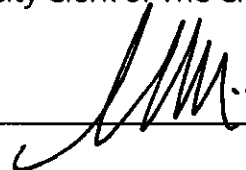
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California

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