

#S500
10/11/22

(R-2023-179)

RESOLUTION NUMBER R- 314393

DATE OF FINAL PASSAGE OCT 11 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 that the state of emergency continues to directly impact the ability of the members to meet safely in person and those findings are reconsidered every 30 days; and

WHEREAS, on September 13, 2022, City Council made new findings that as a result of the continuing state of emergency related to COVID-19, requiring all participants at public meetings of City Council and other public meetings, to meet in person would present imminent risks to the health or safety of attendees; and

WHEREAS, according to the County COVID-19 Watch – Weekly Coronavirus Surveillance Report, during the week of September 18, 2022 through September 24, 2022, there were 2,452 cases, 4 deaths, and 10 new outbreaks, and while the number of active cases has decreased, the virus is still active in the region as evidenced by the high number of active cases; 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, posted an update that 4,063,507 million viruses per liter were detected at the Point Loma treatment facility on September 28, 2022, which remains higher than the amount of virus detected in March and April of this year; and

WHEREAS, the Los Angeles times recently reported a wide expectation for an increase in COVID-19 cases this fall and winter with an uptick in cases in New York already occurring; and

WHEREAS, several recent reports identify new variants that tend to evade current antibody immunity and the number of cases of these variants is increasing in the European Union and the northeastern United States and is expected to spread; 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, even as recently as September 2022, an elected official contracted COVID but was able to participate remotely and proceed with City business based on these findings, when attendance in-person could have risked the health and safety of all attendees; and

WHEREAS, the public health and safety of attendees at public hearings in the City is of the utmost importance; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; 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
10/04/2022
Or.Dept: Council
Doc. No. 3102261

Passed by the Council of The City of San Diego on OCT 11 2022, by the following vote:

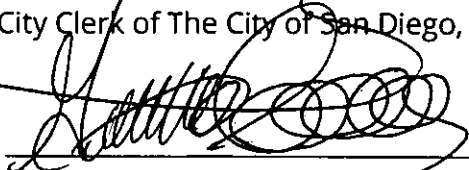
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 11 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
Resolution Number R- 314393