

RESOLUTION NO. 2020-153

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 002-D-2020 (EFFECTIVE JULY 10, 2020) OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES AUTHORIZING CITY BOARD, COMMISSION, AND COMMITTEE MEETINGS TO OCCUR IN SPECIFIED CIRCUMSTANCES, EXPANDING ALLOWED ACTIVITIES AT CITY PARKS AND TRAILS, AND UPDATING FACE COVERING REQUIREMENTS TO CONFORM WITH COUNTY AND STATE STANDARDS

WHEREAS, a worldwide COVID-19 pandemic was declared by the World Health Organization on January 30, 2020, and on January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency as a result of the COVID-19 virus; and

WHEREAS, various states of emergency were declared by the United States (March 13, 2020), the State of California (March 4, 2020), and the County of San Diego (February 19, 2020), because of the threat to public safety (to persons and property including both physical and economic harm) as result of the COVID-19 virus; and

WHEREAS, on March 12, 2020, pursuant to California Health and Safety Code sections 101040, 120175, and 120175.5 (b) the Health Officer of the County of San Diego (“Health Officer”) issued an Order of the Health Officer and Emergency Regulations (the “County Order”) closing certain businesses, prohibiting certain public and private gatherings, and restricting other activities in San Diego County as a result of the COVID-19 virus pandemic; and

WHEREAS, on March 13, 2020, due to the escalating number of COVID-19 virus cases nationwide, with many cases in the State of California, the City of Chula Vista Director of Emergency Services (“Emergency Director”) issued a Proclamation declaring a Local Emergency, as authorized by Government Code section 8630 and Chula Vista Municipal Code (“CVMC”) Section 2.14.080(a), which was subsequently adopted and ratified by the Chula Vista City Council on March 17, 2020 pursuant to Resolution No. 2020-065 (collectively, the “Emergency Resolution”); and

WHEREAS, on March 16, 2020 and March 17, 2020, the County Order was subsequently amended and addended by the Health Officer to include additional rules and restrictions in an effort to further promote public health and safety; and

WHEREAS, pursuant to Health and Safety Code section 120175.5(b) and the County Order, all governmental entities in San Diego County shall take necessary measures within the governmental entity’s control to ensure compliance with the County Order; and

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WHEREAS, in accordance with Chula Vista Municipal Code section 2.14.080(F)(1) the Emergency Director recommended that the City Council affirm and adopt the County Order as a local measure in order to protect the life and property of the residents of Chula Vista affected by the emergency declared as a result of the COVID-19 virus; and

WHEREAS, on March 17, 2020, the City Council adopted Emergency Ordinance No. 3484-A (“City Order”), which affirmed and adopted the County Order as it existed on March 17, 2020 and authorized the Director to expand or amend the City Order to apply to additional businesses or circumstances pursuant to his or her independent judgment consistent with the authority provided in Chula Vista Municipal Code section 2.14.080(F)(1); and

WHEREAS, on March 17, 2020, the Governor of California issued Executive Order N-29-20 which ordered, among other things, that all requirements of the Bagley-Keene Act and the Brown Act requiring the physical presence of members, personnel, or the public, were waived, and that legislative bodies could hold meetings via teleconferencing (“State Order 29-20”); and

WHEREAS, from March 18, 2020 through July 7, 2020, the County Health Officer issued a series of amendments and addendums to the County Order; and

WHEREAS, on March 19, 2020, the Governor of California issued Executive Order N-33-20 which ordered, among other things, all Californians to stay at home, with limited exceptions (“State Order 33-20”); and

WHEREAS, the number of COVID-19 virus cases continue to increase in both the State of California (<https://www.cdc.gov/media/releases/2020/s-0303-Additional-COVID-19-infections.html>) and in the City of Chula Vista (https://www.sandiegocounty.gov/content/dam/sdc/hhsa/programs/phs/Epidemiology/COVID-19%20Daily%20Update_City%20of%20Residence.pdf); and

WHEREAS, on April 9, 2020, the Emergency Director issued Emergency Order 002-2020, which affirmed and adopted the Order of the Health Officer and Emergency Regulations issued by the County of San Diego Health Officer, as that Order may be from time to time updated and amended, as the Order and Emergency Regulations of the City of Chula Vista; and

WHEREAS, on April 10, 2020, the Emergency Director issued Emergency Order 020-A-2020 of the Chula Vista Director of Emergency Services (Effective April 11, 2020), which mandated, among other things, that City Council meetings be conducted via teleconference and City Board, Commission, and Committee meetings to be cancelled until further notice; that City parks and certain City trails be closed; and that essential public and private workers wear face coverings while interacting with the public and preparing food for public consumption; and

WHEREAS, on April 21, 2020, the City Council ratified and confirmed Emergency Orders 002-2020 and 002-A-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on April 22, 2020, the Emergency Director issued Emergency Order 002-B-2020 of the Chula Vista Director of Emergency Services (Effective April 23, 2020), which mandated that members of the public wear face coverings when entering essential businesses or service areas and makes individuals and business owners responsible for ensuring compliance with all face covering requirements; and

WHEREAS, on April 28, 2020, the City Council ratified and confirmed Emergency Order 002-B-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on May 7, 2020, the Emergency Director issued Emergency Order 002-C-2020 of the Chula Vista Director of Emergency Services (Effective May 8, 2020), which opened City parks and trails subject to specified terms, and which updated City's face covering requirements to conform with San Diego County's then-existing standards by expanding the circumstances under which face coverings are required and providing exemptions for specified persons; and

WHEREAS, on July 9, 2020, the Emergency Director issued Emergency Order 002-D-2020 of the Chula Vista Director of Emergency Services (Effective July 10, 2020), attached hereto as Attachment A, which authorizes City board, commission, and committee meetings to occur under specified circumstances; permits expanded uses of City parks and trails; and updates face covering requirements to conform with County and State requirements; and

WHEREAS, Chula Vista Municipal Code section 2.14.080(F)(1) authorizes the Emergency Director to make and issue rules and regulations reasonably related to the protection of life and property, subject to confirmation of the City Council at the earliest practical time.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, based on the facts and circumstances set forth above; the Emergency Order 002-D-2020 of the Chula Vista Director of Emergency Services (Effective July 10, 2020), attached hereto as Attachment A, is hereby ratified and confirmed.

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Presented by

Approved as to form by

DocuSigned by:

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 Maria V. Kachadoorian
 City Manager/Director of Emergency Services

DocuSigned by:

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 Glen R. Googins
 City Attorney

PASSED, APPROVED, and ADOPTED by the City Council of the City of Chula Vista, California, this 14th day of July 2020 by the following vote:

AYES: Councilmembers: Diaz, Galvez, McCann, Padilla, and Casillas Salas

NAYS: Councilmembers: None

ABSENT: Councilmembers: None

DocuSigned by:

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 Mary Casillas Salas, Mayor

ATTEST:

DocuSigned by:

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 Kerry K. Bigelow, MMC, City Clerk

STATE OF CALIFORNIA)
 COUNTY OF SAN DIEGO)
 CITY OF CHULA VISTA)

I, Kerry K. Bigelow, City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2020-153 was duly passed, approved, and adopted by the City Council at a regular meeting of the Chula Vista City Council held on the 14th day of July 2020.

Executed this 14th day of July 2020.

DocuSigned by:

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 Kerry K. Bigelow, MMC, City Clerk

**EMERGENCY ORDER
OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES
[Order No. 002-D-2020]**

Effective Date: July 10, 2020

Pursuant to CVMC section 2.14.080 [Director – Powers and Duties], Chula Vista City Council Resolution No. 2020-065, and Emergency Order 002-2020 of the Chula Vista Director of Emergency Services, the Chula Vista Director of Emergency Services (“Emergency Director”)

ORDERS AS FOLLOWS:

Effective 12:00 a.m. on Friday, July 10, 2020, and continuing in effect until further notice from, or contravening action by, the Emergency Director or the City Council:

1. City Council Meetings. All City Council Meetings will be conducted via teleconference until further notice. Members of the City Council and staff may participate in City Council meetings via teleconference. The public may view the meeting on television and/or online, and may submit comments online at <https://chulavista.granicusideas.com/meetings> . Further information regarding public participation is described in the Chula Vista City Clerk’s Open Meetings with Public Participation during Coronavirus/Covid-19 document (available at <https://www.chulavistaca.gov/departments/city-clerk>).
2. City Board, Commission, and Committee Meetings. All City Board, Commission, and Committee meetings are canceled until further notice, unless necessitated by business urgencies, as determined by the City Manager, after consultation with the City Attorney and the City Clerk (“Emergency Order No. 002-2020”).
3. Parks and Trails. All City parks and trails are open daily, from 7:00 a.m. to 8:00 p.m., on the following terms:
 - a. Passive uses of the park are allowed. Passive uses include walking, jogging, hiking, bike riding (on paths and trails only), standing/sitting on the grass, and use of dog “off-leash” areas.
 - b. Ball fields, sports fields, courts, and skate parks are open for limited play by members of the same household, or under the provisions of the Youth Sports Protocols as set forth below in paragraph “c”.

- c. Youth sports organizations with City-approved field allocations may use City fields consistent with the terms of such allocation, but only in strict compliance with City's "Youth Sports Return to Play Plan" published at www.chulavistaca.gov/rec ("Youth Sports Protocols"). Prior to any such field use, the subject youth sports organization must first sign and submit a copy of the Youth Sports Protocols to the City's Director of Community Services. City's Youth Sports Protocols also require compliance with County of San Diego safety protocols applicable to "Day Camps".
 - d. No gathering or congregating in groups of more than one is allowed, except among members of a single household. Groups of single household members are limited to gatherings of no more than ten people.
 - e. All playground equipment, gazebos, picnic tables, and benches will remain closed and off-limits.
 - f. While in or entering a park or trail, face coverings must be worn by all persons over two years old when within six feet of another person who is not a member of their household.
 - g. At all times, strive to maintain six feet of physical distancing from non-household members.
 - h. Do not enter parks or trails if you are sick or have symptoms of COVID-19, including but not limited to fever, cough, sore throat, shortness of breath, muscle aches, or recent loss of smell or taste.
4. Face Coverings.
- a. *Compliance with California Department of Public Health Guidance.* All persons present in the City shall wear a face covering as required by the California Department of Public Health's Guidance, as that Guidance may be from time to time updated and amended. The current California Department of Public Health Guidance for the Use of Face Coverings may be found at www.cdph.ca.gov.
 - b. *Responsibility for Compliance.* All individuals governed by the above-described face covering requirements shall be personally responsible for their own compliance. In addition, business owners and managers shall be responsible for assuring compliance with the above-described face covering requirements for workers, volunteers, and members of the public within their respective business facilities and service areas;

such responsibility shall include, as necessary, refusing admission or service to any member of the public who fails to wear a face covering when entering the business facility or service area.

GENERAL PROVISIONS

5. This order is issued as a result of a worldwide COVID-19 pandemic declared by the World Health Organization on January 30, 2020 and a Public Health Emergency due to the COVID-19 virus declared by the United States Secretary of Health and Human Services on January 31, 2020.
6. As of the date of this order, the COVID-19 virus continues to represent a danger to the Chula Vista community (to persons and property including both physical and economic harm), and has significantly impacted the City's personnel and financial resources. The actions required by this Order are necessary to reduce the number of individuals who will be exposed to COVID-19, and will thereby slow the spread of COVID-19 in the City of Chula Vista. By reducing the spread of COVID-19, this Order will save lives and increase public safety to persons and property, and reduce both physical and economic harm.
7. This Order is issued in accordance with, and incorporates by reference: the Proclamation of Local Emergency issued by the Chula Vista Director of Emergency Services on March 13, 2020; Chula Vista City Council Resolution No. 2020-065; Chula Vista City Council Emergency Ordinance No. 3484-A; Emergency Order 002-2020 of the Chula Vista Emergency Services Director; the Declaration of Local Health Emergency issued by the County of San Diego Health Officer on February 14, 2020; the County of San Diego Order of the Health Officer and Emergency Regulations (Effective July 7, 2020); the Proclamation of a State of Emergency issued by the Governor of the State of California on March 4, 2020; Executive Order N-25-20 issued by the Governor of the State of California on March 12, 2020; Executive Order N-29-20 issued by the Governor of the State of California on March 17, 2020; Executive Order N-33-20 issued by the Governor of the State of California on March 19, 2020; California Department of Public Health on Guidance for the Use of Face Coverings (revised June 29, 2020); and Proclamation 9984 regarding COVID-19 issued by the President of the United States on March 11, 2020.
8. This Order comes after the release of substantial guidance from the County of San Diego Health Officer, the California Department of Public Health, the Centers for Disease Control and Prevention, and other public health officials throughout the United States and around the world.

9. With this Order, the Emergency Director is hereby exercising their independent judgment to make and issue rules and regulations reasonably related to the protection of life and property, pursuant to Chula Vista Municipal Code section 2.14.080(F)(1), subject to confirmation of the City Council at the earliest practical time.

10. Violations of the regulations contained in paragraphs 3 and 4 above shall be enforceable to the maximum extent authorized by law, including without limitation, as set forth in Chula Vista Municipal Code sections 1.20.010 and 2.14.140 and Health and Safety Code section 120295.

SO ORDERED,

BY:

DocuSigned by:
Maria V. Kachadoorian
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Maria V. Kachadoorian,
City Manager/Director of Emergency Services

Approved as to Form:

BY:

DocuSigned by:
Glen Googins
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Glen Googins, City Attorney,
City of Chula Vista