

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 007-2020 (EFFECTIVE FEBRUARY 24, 2021) OF THE CHULA VISTA DIRECTOR OF EMERGENCY SERVICES CAPPING DELIVERY SERVICE AND RELATED FEES CHARGED TO RETAIL FOOD ESTABLISHMENTS UNTIL INDOOR DINING RESUMES AT 100% CAPACITY

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 added by the Health Officer to include additional rules and restrictions in an effort to further promote public health and safety;

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

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 February 6, 2021, 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 remain high in both the State of California (<https://covid19.ca.gov/state-dashboard/>) 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 current standards by expanding the circumstances under which face coverings are required and providing exemptions for specified persons; and

WHEREAS, on May 12, 2020, the City Council ratified and confirmed Emergency Order 002-C-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on May 19, 2020, the Governor of California issued Executive Order N-65-20 which stated that, among other things, strict compliance with certain statutes and regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic ("State Order 65-20"); and

WHEREAS, on May 21, 2020, the Emergency Director issued Emergency Order 004-2020 of the Chula Vista Director of Emergency Services (Effective May 22, 2020), which tolled and extended the deadlines for land use and building permit-related actions for 180 days; and

WHEREAS, on May 26, 2020, the City Council ratified and confirmed Emergency Order 004-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on July 1, 2020, the Emergency Director issued Emergency Order 005-2020 of the Chula Vista Director of Emergency Services (Effective July 1, 2020), which extended the City's eviction moratorium ordinance through July 31, 2020; 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), which authorized City board, commission, and committee meetings to occur under specified circumstances; permitted expanded uses of City parks and trails; and updated face covering requirements to conform with County and State requirements; and

WHEREAS, on July 14, 2020, the City Council ratified and confirmed Emergency Order 005-2020 and Emergency Order 002-D-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on July 29, 2020, the Emergency Director issued Emergency Order 006-2020 of the Chula Vista Director of Emergency Services (Effective July 29, 2020), attached hereto as Attachment A, which allows certain businesses to temporarily operate outdoors subject to local health and safety standards, and consistent with State and County guidelines; and

WHEREAS, on August 4, 2020, the City Council ratified and confirmed Emergency Order 006-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, on November 19, 2020, in an effort to increase compliance with public health orders and curb the spread of COVID-19 in our community, the Emergency Director further amended Emergency Order 002-2020 to specify that responsible parties shall have a minimum of 24 hours to correct violations of public health-related orders; and

WHEREAS, on November 23, 2020, the Emergency Director amended Emergency Order 006-2020 to expand the types of businesses permitted to operate outdoors and to add regulations related to outdoor business operation to enhance public safety and reduce adverse impacts on surrounding neighborhoods and uses; and

WHEREAS, on December 1, 2020, the City Council ratified and confirmed amended Emergency Order 002-2020 and amended Emergency Order 006-2020 of the Chula Vista Director of Emergency Services; and

WHEREAS, to reduce the spread of the COVID-19 virus and protect public health, state and county orders prohibit some on-site dining in the City of Chula Vista, which restrictions have placed a financial strain on many food service establishments and on many consumers who now pay more to have meals delivered; and

WHEREAS, it is necessary to support food service establishments so they can continue to provide essential access to food via delivery and pick-up options, including for those who are unable to obtain food in other ways, and so that they can continue to

remain sources of employment and neighborhood vitality in the City while on-site dining remains limited; and

WHEREAS, on February 23, 2021, the Emergency Director issued Emergency Order 007-2020 of the Chula Vista Director of Emergency Services (Effective February 24, 2021), attached hereto as Attachment A, to cap delivery service and related fees charged to retail food establishments until indoor dining resumes at 100% capacity; and

WHEREAS, as of the date of this resolution, the COVID-19 virus continues to represent a danger to the Chula Vista community (to persons and property, including both physical and economic harm) requiring emergency action by the Emergency Director, as authorized by CVMC Section 2.14.080 [Director-Powers and Duties] and the Emergency Resolutions;

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, based on the facts and circumstances set forth above, the City Council of the City of Chula Vista hereby resolves as follows:

1. Emergency Order 007-2020 of the Chula Vista Director of Emergency Services (Effective February 24, 2021), attached hereto as Attachment A, is hereby ratified and confirmed.

Presented by

Approved as to form by

Maria V. Kachadoorian
City Manager/Director of Emergency Services

Glen R. Googins
City Attorney