

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA RATIFYING AND CONFIRMING EMERGENCY ORDER 002-2020 (AMENDED NOVEMBER 19, 2020), PROVIDING THAT A RESPONSIBLE PARTY SHALL BE ALLOWED A MINIMUM OF 24 HOURS TO CORRECT VIOLATION OF A PUBLIC HEALTH ORDER, AND EMERGENCY ORDER 006-2020 (AMENDED NOVEMBER 23, 2020), EXPANDING PROVISIONS AND REGULATIONS RELATED TO OUTDOOR BUSINESS OPERATIONS**

**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**, the County Health Officer has issued a series of amendments and addendums to the County Order since March 12, 2020, the most recent of which was issued November 21, 2020; 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**, 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 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 are increasing in both the State of California (<https://covid19.ca.gov/state-dashboard/>) and the City of Chula Vista ([https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community\\_epidemiology/dc/2019-nCoV/status.html](https://www.sandiegocounty.gov/content/sdc/hhsa/programs/phs/community_epidemiology/dc/2019-nCoV/status.html)); and

**WHEREAS**, on April 9, 2020, the Emergency Director issued Emergency Order 002-2020, which affirmed and adopted the County Order, as that County 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 21, 2020, the City Council ratified and confirmed Emergency Order 002-2020 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), which allowed certain businesses to temporarily operate outdoors subject to local health and safety standards, and consistent with State and County guidelines; and

**WHEREAS**, on September 15, 2020, the Emergency Director issued amended Emergency Order 002-2020, which affirmed and adopted Individual County Orders, as such Orders may be from time to time issued, as the City Order, enforceable pursuant to local and state laws; and

**WHEREAS**, on September 22, 2020, the City Council ratified and confirmed Emergency Order 002-2020 (Amended September 15, 2020) of the Chula Vista Director of Emergency Services; and

**WHEREAS**, on November 10, 2020, the State moved San Diego County into Tier 1, also known as Purple Tier, of the state’s COVID-1 risk levels, placing further restrictions on a variety of businesses and activities in San Diego County; and

**WHEREAS**, based on the alarming increase in COVID-19 cases in California, on November 19, 2020, the California Department of Public Health issued a “Limited Stay at Home Order” effective in counties under Tier One of California’s Blueprint for a Safer Economy, further restricting gatherings and limiting activities outside between 10:00pm and 5:00am; 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**, 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) 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 002-2020 of the City of Chula Vista Director of Emergency Services Amended November 19, 2020, attached hereto as Attachment A, and Emergency Order 006-2020 of the Chula Vista Director of Emergency Services Amended November 23, 2020, attached hereto as Attachment B, are hereby ratified and confirmed.

Presented by

Approved as to form by

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Maria V. Kachadoorian  
City Manager/Director of Emergency Services

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Glen R. Googins  
City Attorney