



## REPORT TO CITY COUNCIL

**To:** Honorable Mayor and Members of the City Council

**From:** Jason Simpson, City Manager

**Prepared by:** Barbara Leibold, City Attorney

**Date:** March 14, 2023

**Subject:** Termination of Local Emergency (COVID-19)

### **Recommendation**

Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC.

### **Background**

Governor Newsom proclaimed a State of Emergency on March 4, 2020, due to the introduction of COVID-19 in the State of California. On March 8, 2020, the Riverside County Public Health Officer declared a COVID-19 local health emergency in Riverside County, which declaration was ratified by the Riverside County Board of Supervisors on March 10, 2020.

On March 17, 2020, the Lake Elsinore City Manager/Disaster Director proclaimed a local emergency throughout the City of Lake Elsinore. The City Council ratified that proclamation on March 24, 2020 by Resolution No. 2020-18. Following the adoption of Resolution No. 2020-18, the City Council periodically reviewed the necessity for continuing the COVID-19 local emergency. That determination was last made on February 8, 2022 and, thereafter, all City Council meetings have been conducted in person.

Lake Elsinore Municipal Code Sections 2.20.130 and 2.20.160, provide that a state of local emergency exists from the time the proclamation of emergency is issued until such time as it is terminated by proclamation of the City Council.

## **Discussion**

California's COVID-19 State of Emergency terminated as of February 28, 2023. Based on prior action by the Riverside County Board of Supervisors, the County's COVID emergency automatically ended when the state's ended.

Throughout the pandemic, the City of Lake Elsinore has followed State and County public health orders and implemented public health measures to reduce the threat of COVID-19 transmissions. The City has monitored COVID-19 metrics, including cases, test positivity rates, and related hospitalizations and remained poised to respond in the event increased levels required reinstituting COVID-19 related precautions and balanced the ongoing operations of City business with public health measures to protect City employees, residents and businesses.

Based on cases and hospitalizations, Riverside County is at a Low COVID-19 Community Level indicating that the pandemic is not exerting undue stress on the local healthcare system. As of March 2, 2023 the Riverside County case rate was 5.4/100,000 population compared to 174.6/100,000 population as of February 3, 2022. The Riverside County 7-day average daily positivity rate was 7.8% as of March 2, 2023 compared to 29% as of February 2, 2022. Lake Elsinore statistics show a slightly higher case rate of 8.7/100,000 population and a positivity rate of 14.2%. Cumulative COVID-19 cases in Lake Elsinore as of March 2, 2023 were 20,788 with a total of 138 deaths.

The City Council recognizes the ongoing need to monitor and implement public health and safety measures in response to COVID-19, but given the termination of the State's and County's COVID-19 state of emergency, low transmission levels, widely available vaccines and boosters, expanding treatment options and increased public awareness and implementation of personal and public health safety measures and precautions, the conditions that existed in March 2020 that led to the initial declaration of a local emergency no longer support continuing that declaration and the broad authorities inherent under a local emergency.

Termination of the State's Emergency Declaration eliminates the flexibility afforded local government agencies to conduct virtual public meetings. Remote participation by City Council Members on a going forward basis will be permitted only in accordance with traditional Brown Act teleconferencing requirements or exceptions for "just cause" or "emergency circumstances" established by new legislation (Assembly Bill 2449) effective January 1, 2023. While Assembly Bill 2449 does not prohibit remote participation by the public, very few members of the public have taken advantage of the Zoom option in Lake Elsinore since in-person meetings have resumed. Consequently, virtual participation in City Council and Commission meetings will no longer be offered on a regular basis. Instead, virtual participation via Zoom will be provided only as an accommodation requested by the public or staff under ADA or by Council Members or Commissioners pursuant to the "just cause" or "emergency circumstances" provisions of Assembly Bill 2449.

## Termination of Local Emergency

Termination of the local emergency will also extinguish the broad powers and authorities afforded the City Manager to take emergency actions necessary to support city services during a local emergency. While critically important at the commencement of the COVID-19 pandemic, these broad powers and authorities are not necessary under existing conditions. City Hall has been and remains open to the public during regular business hours, Council and Commission meetings are conducted in person and City operations are at full scale.

### **Fiscal Impact**

None.

### **Attachments**

Attachment 1 - Resolution