

5) **Termination of Local Emergency (COVID-19)**

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.



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 reinstating 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

RESOLUTION NO. 23- __

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE
TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY IN RESPONSE
TO THE COVID-19 PANDEMIC**

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in the State of California due to the presence of and threat posed by the novel coronavirus ("COVID-19"); and

WHEREAS, on March 8, 2020, the Riverside County Health Officer determined that there is an imminent and proximate threat to the public health from the introduction of COVID-19 in Riverside County and declared a Local Health Emergency and the Riverside County Board of Supervisors ratified the declaration on March 10, 2020; and

WHEREAS, on March 11, 2020 the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and,

WHEREAS, on March 17, 2020, the City Manager acting in his capacity as Director of Emergency Services proclaimed the existence of a local emergency throughout the City of Lake Elsinore in response to the COVID-19 pandemic; and

WHEREAS, on March 24, 2020, pursuant to Lake Elsinore Municipal Code Section 3.12.060 and applicable state law, the City Council adopted Resolution No. 2020-18 ratifying the proclamation of local emergency and proclaiming existence of a local emergency regarding COVID-19; and

WHEREAS, the State's and Riverside County's COVID-19 related State of Emergency terminated effective February 28, 2023; and

WHEREAS, Riverside COVID-19 metrics continue to improve and the County has officially entered the Low COVID-19 Community Level, indicating that the pandemic is not exerting undue stress on the local healthcare system; and

WHEREAS, with 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 City Council finds that the conditions that existed in March 2020 that led to the initial declaration of a local emergency no longer support continuing that declaration.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE DOES
HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

SECTION 1. The City Council finds and determines that the foregoing recitals are true and correct and hereby incorporates them in this Resolution.

SECTION 2. The City Council recognizes the ongoing need to monitor and implement public health and safety measures in response to COVID-19, but finds and determines that the broad authorities inherent under a local emergency are no longer necessary in the City of Lake Elsinore.

SECTION 3. The City Council declares that current conditions no longer warrant the continuation of the previously declared local emergency relating to COVID-19 and as a result such proclamation of local emergency is hereby terminated.

SECTION 4. This Resolution is effective upon its passage and adoption.

PASSED, APPROVED AND ADOPTED this 14th day of March, 2023.

Natasha Johnson, Mayor

ATTEST:

Candice Alvarez MMC, City Clerk

(STATE OF CALIFORNIA)
(COUNTY OF RIVERSIDE) ss.
(CITY OF LAKE ELSINORE)

I, Candice Alvarez, City Clerk of the City of Lake Elsinore, do hereby certify that the foregoing Resolution No. 23-__ being:

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

was approved and adopted by the City Council of the City of Lake Elsinore on the 14th of March 2023, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Candice Alvarez, MMC, City Clerk