



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: July 20, 2021

Agenda Item 9B

Approvals:

City Manager ES

Dept. Head _____

Attorney _____

Finance JR

Department: City Manager
Prepared By: Jonathan Lightfoot, Economic Development Officer

Subject: *TERMINATING THE LOCAL EMERGENCY DUE TO COVID-19*

Fiscal Impact: Unknown.

Summary: The City Council proclaimed a local health emergency due to Covid-19 on March 17, 2020. Per California Government Code 8630.A, "The governing body shall proclaim the termination of the local emergency at the earliest possible date that conditions warrant." Council is interested in discussing whether conditions now warrant the end of the local health emergency.

Background: Council previously approved Resolution 20-13 on March 17, 2020 declaring the local emergency. This declaration followed the January 31, 2020 declaration of emergency by the federal Center for Disease Control and the California Governor's emergency declaration on March 4, 2020 via Executive Order N-33-20. As of June 15, 2021, the state of California is "reopening" as the Governor is ending the "Blueprint to Reopen the Economy" program, ending capacity limits and distancing requirements, and modifying the mask mandate to indicate that any vaccinated residents are no longer required to wear masks in public places. With this change, the Council wishes to evaluate whether the City Council should terminate San Clemente's local health emergency.

Discussion: Covid-19 has been a terrible disease for our community and the world, accounting for nearly 600,000 deaths in the US. Five thousand of those deaths occurred here in Orange County. The illness and its effects on the economy and our society have been far reaching. The country hit a turning point, however, with the introduction of vaccines in December of 2020.

On December 14, 2020 the first vaccine dose was administered in the USA. By March 13, 2021, 100 million doses had been administered nationally. By April 21, 200 million doses had been administered. Now, more than half of the US population has been vaccinated, including 87% of adults over the age of 65.¹ More than half of Orange County residents are fully vaccinated. In Orange County, there is less than one daily new case per 100,000 residents and the rates continue to drop. There are still active cases, including 14 patients in the ICU in the county; however, the stress on the health care system appears to have dissipated.

¹ <https://covid.cdc.gov/covid-data-tracker/#vaccinations>

Recovery from the pandemic is still underway. The Council declared a separate local emergency regarding the ongoing economic support and stabilization efforts on June 1, 2021 via Resolution 21-18. This declaration will remain in effect until November 15, 2021.

The State of California and County of Orange have not yet declared an end to their respective emergency proclamations related to Covid-19. Staff has been unable to identify a proposed timeline for that determination by either entity. The existing health orders by the County² and State³ remain in effect independent of the status of the City's local health orders, and the City remains subject to any requirements therein.

While Cares Act relief funds filtered through the state, the pending American Rescue Plan (ARP) monies will be funded directly from the US Treasury. One potential concern could be scrutiny over use of funds regarding public health if the City has rescinded its local emergency health order. The Federal Register's Interim Final Rule indicates certain standards that cities should account for in justifying expenditures using ARP funds. For instance, one excerpt states: "Accordingly, to assess whether a program or service is included in this category of eligible uses, a recipient should consider whether and how the use would respond to the COVID-19 public health emergency... While the COVID-19 public health emergency affected many aspects of American life, eligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency."

Staff did not identify any language indicating that the funding required an ongoing local emergency proclamation, but there may be additional scrutiny over public health related expenditures without an associated order in place.

Recommended

Actions:

STAFF RECOMMENDS THAT the City Council discuss the potential implications of rescinding the local health emergency due to Covid-19 and direct staff whether and when to return with an associated Resolution for consideration.

Attachments: None

² <https://occcovid19.ochealthinfo.com/article/oc-health-officers-orders-recommendations>

³ <https://www.cdph.ca.gov/programs/cid/tcdc/pages/guidance.aspx>