

RESOLUTION NO. __ - __ C.S.

A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY

TERMINATING THE LOCAL EMERGENCY AND RELATED COVID-19 RESOLUTIONS AND ORDINANCES ON FEBRUARY 28, 2023 AND EXTENDING EXISTING TEMPORARY OUTDOOR BUSINESS PERMITS, AND ALLOW HEATERS ON THE WHARVES, UNTIL DECEMBER 31, 2023

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern;

WHEREAS, on January 31, 2020, the U.S. Department of Health and Human Services declared a Public Health Emergency in the United States;

WHEREAS, on March 3, 2020, the City Council appropriated \$35,000 to prepare and respond to COVID-19;

WHEREAS, the State of California proclaimed a state of emergency on March 4, 2020;

WHEREAS, the County of Monterey declared a local emergency on March 10, 2020;

WHEREAS, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020;

WHEREAS, as of February 2, 2023, Monterey County has experienced 97,259 confirmed cases of COVID-19, resulting in 790 confirmed deaths;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has determined that vaccines widely available in the United States significantly lowers the risk of getting very sick, being hospitalized, or dying from COVID-19;

WHEREAS, there have been confirmed cases of COVID-19 in the counties neighboring Monterey County, including Santa Clara, Santa Cruz, San Benito, and Fresno;

WHEREAS, on March 12, 2020, Governor Newsom enacted Executive Order N-25-20 to mitigate the effects of the COVID-19 pandemic because “despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed.”

WHEREAS, on March 13, 2020, the City Manager, in his capacity as the Director of Emergency Services, proclaimed a local emergency related to COVID-19;

WHEREAS, on March 17, 2020, the Monterey City Council ratified the City Manager’s proclamation, which allowed the City to adequately plan, prepare, and deploy resources to effectively respond to the threat posed by COVID-19;

WHEREAS, on January 3, 2021, the City of Monterey’s Fire Department became one of the first public agencies in the region to begin providing COVID-19 vaccines, and was the only City directly providing vaccines to the public through its supply directly from the State of

California. In total, the City held 114 vaccine clinics and administered 8,105 doses, supporting vulnerable populations, seniors, unhoused individuals, students, public safety personnel, and the public at large;

WHEREAS, on October 17, 2022, Governor Gavin Newsom announced that he intends to end the COVID-19 State of Emergency on February 28, 2023;

WHEREAS, Monterey County has not seen significant rates of COVID-19 hospitalized patients since the two largest peaks of 217 hospitalized patients on January 15, 2021 and 114 hospitalized patients on January 26, 2022. Over the past 90 days, the peak number of hospitalized patients was 27 on December 9, 2022 and a low of 8 on February 1, 2023. 72.7% of eligible Monterey County residents are vaccinated as of February 1, 2023;

WHEREAS, the City of Monterey continues to work with other local entities to diligently implement CDC guidelines, provide vaccination clinics when possible, and protect the public;

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 (“CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, that current conditions do not warrant the need for emergency declaration to continue and hereby terminates the local emergency related to COVID-19 pursuant to Government Code section 8630(d);

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, that it terminates all COVID-19 related resolutions and ordinances set forth in Exhibit A;

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, that existing COVID-19 Temporary Outdoor Business Permits shall remain in effect on the same terms and conditions and shall terminate on December 31, 2023. This action does not authorize the issuance of new permits; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY, that it suspends enforcement of the amendment to Section 305 of the 2019 Fire Code as set forth in 12-0/2 to allow outdoor heaters on the wharves as long as those heaters are compliance with any conditions set by the City’s Fire Marshal. This authorization for outdoor heaters on the wharves shall remain in effect until December 31, 2023.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

COUNCILMEMBERS:
COUNCILMEMBERS:
COUNCILMEMBERS:
COUNCILMEMBERS:

APPROVED:

ATTEST:

Mayor of Said City

City Clerk thereof