

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN EMERGENCY ORDINANCE AMENDING CHAPTER 3,
ARTICLE 11, DIVISIONS 1 AND 2 OF THE SAN DIEGO
MUNICIPAL CODE BY AMENDING SECTIONS 311.0109 AND
311.0209 TO EXTEND THE SUNSET PROVISIONS RELATING
TO COVID-19 WORKER RECALL AND RETENTION.

WHEREAS, on January 31, 2020, the Secretary of Health and Human Services declared a public health emergency in response to a novel coronavirus, SARS-CoV-2, which causes the COVID-19 disease (COVID-19); and

WHEREAS, on February 19, 2020, the San Diego County Board of Supervisors ratified a declaration of local health emergency related to COVID-19; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS, on March 12, 2020, the Mayor of the City of San Diego (Mayor) proclaimed the existence of a local emergency related to the COVID-19 threat, which was ratified by the San Diego City Council (City Council) on March 17, 2020, by Resolution No. R-312895; and

WHEREAS, on September 8, 2020, by Emergency Ordinance O-21231, the City Council adopted the COVID-19 Worker Recall and Retention Ordinance to ensure hotel and janitorial workers in the City who lost their jobs due to the impacts of COVID-19 were restored to their original positions in an orderly fashion and to otherwise guarantee fair employment practices when businesses change ownership during the pandemic; and

WHEREAS, the COVID-19 Worker Recall and Retention Ordinance is set to expire on March 8, 2021; and

WHEREAS, according to the California Employment Development Department (EDD), between March and April of 2020, approximately 88,100 leisure and hospitality workers in the

San Diego metropolitan statistical area lost their jobs, with only 42,800 of those jobs having returned as of December 2020; and

WHEREAS, the EDD recently reported that between November and December 2020 the leisure and hospitality industry experienced a further decline of 9,600 in the San Diego metropolitan statistical area; and

WHEREAS, this emergency ordinance will extend the sunset date of the COVID-19 Worker Recall and Retention Ordinance until March 8, 2022 to provide sufficient time for the building services and hotel industries to recover so that employees can be restored to their original positions when employers are able to start rehiring; and

WHEREAS, San Diego City Charter (Charter) section 11 vests all legislative authority for the City in the Council; and

WHEREAS, the City Council adopts this ordinance through the police powers vested in the City under the California Constitution; and

WHEREAS, the City Council finds there is an emergency necessitating immediate adoption of the ordinance pursuant to Charter section 295 in order to insure that employees will be restored to the original jobs in an orderly fashion and reduce the demand on City-funded social services; and

WHEREAS, under Charter section 280(a)(3), this ordinance is not subject to veto by the Mayor because it is an emergency ordinance; and

WHEREAS, under Charter section 295(e), a supermajority vote of the City Council is required for passage of this ordinance; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 3, Article 11, Division 1 of the San Diego Municipal Code is amended by amending Section 311.0109 to read as follows:

§311.0109 Sunset Provision

Due to the extraordinary effects on employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 2. That Chapter 3, Article 11, Division 2 of the San Diego Municipal Code is amended by amending Section 311.0209 to read as follows:

§311.0209 Sunset Provision

Due to the extraordinary effects on employment in the building services and hotel industries resulting from the COVID-19 pandemic, this Division shall be in effect until March 8, 2022, at which time this Division shall be automatically repealed unless an extension is approved by majority vote of the City Council.

Section 3. This ordinance is declared to be an emergency measure required for the immediate preservation of the public peace, safety, health, and welfare pursuant to Charter section 295, and shall take effect immediately from the day of adoption upon the affirmative vote of at least six members of the City Council.

APPROVED: MARA W. ELLIOTT, City Attorney

By _____
Thomas J. Brady
Deputy City Attorney

TJB:jvg
2/11/21
Or.Dept:Council District 4
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