



INTEROFFICE MEMO

DATE: September 15, 2020

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, City Clerk
Glenn Sabine, City Attorney

VIA: Greg Humora, City Manager GH

SUBJECT: Consideration and Possible Adoption of a Resolution Confirming and Ratifying the Rules and Regulations Included in Executive Order No. 5-2020 as Issued by the Director of Emergency and Disaster Pursuant to LMMC Section 2.56.060 for the Direct Protection and Benefit of the Citizens of the City of La Mesa

On March 4, 2020, the Governor of California proclaimed a statewide emergency regarding the novel COVID-19 virus ("Virus"). Since that time, conditions and threatened conditions of extreme peril to the safety of persons or property have arisen within the City of La Mesa either caused by the expanding threat of the Virus; the potential existence of Virus positive persons and patients in the City; and, potential threatened isolation and quarantine of residents, employees and public safety workers.

On April 14, 2020, the City Council adopted Resolution No. 2020-033 confirming the Mayor's appointment of the City Manager as the Director of Emergency and Disaster ("Director") and the Director of Finance as the Assistant Director of Emergency and Disaster ("Assistant Director") and Director's Proclamation of the Existence of a Local Emergency Pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050. On June 23, 2020, the City Council adopted Resolution No. 2020-069 confirming the Mayor's appointment of the Assistant City Manager as the Assistant Director of Emergency and Disaster ("Assistant Director") pursuant to LMMC Section 2.56.050.

LMMC Section 2.56.060 empowers the Director to promulgate and issue rules and regulations on matters reasonably related to the protection of life and property related to a proclaimed emergency. These rules and regulations must be confirmed at the earliest practicable time by the City Council thereafter. On August 19, 2020, the Director issued Executive Order 5-2020 to do the following:

1. Authorize the continued operation of a farmers' market by IFP pursuant to the same terms and conditions of said expired special use permit; except as required by Executive Order.

2. Said Authorization shall be valid for a period of 90 days or shall expire upon the issuance of a subsequent special use permit for a farmers' market operated by IFP, whichever occurs first.
3. IFP shall deposit a fee with the City of La Mesa prior to commencing any farmers' market operations pursuant to this Executive Order in the appropriate amount as determined by the City Manager

The September 15, 2020, City Council meeting is the earliest practicable time for the City Council to confirm and ratify the rules and regulations included in Executive Order 5-2020 as issued by the Director pursuant to LMMC Section 2.56.060 for the direct protection and benefit of the Citizens of the City of La Mesa.

Staff recommends the City Council:

Approve and adopt the Resolution confirming and ratifying the rules and regulations included in Executive Order 5-2020 as issued by the Director pursuant to LMMC Section 2.56.060 for the direct protection and benefit of the Citizens of the City of La Mesa.

Attachment A - Resolution Confirming Director Rules and Regulations

RESOLUTION NO. 2020-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA CONFIRMING AND RATIFYING THE RULES AND REGULATIONS INCLUDED IN EXECUTIVE ORDER NO. 5-2020 AS ISSUED BY THE DIRECTOR OF EMERGENCY AND DISASTER PURSUANT TO LA MESA MUNICIPAL CODE SECTION 2.56.060 FOR THE DIRECT PROTECTION AND BENEFIT OF THE CITIZENS OF THE CITY OF LA MESA

WHEREAS, on March 4, 2020, the Governor of California proclaimed a statewide emergency regarding the novel COVID-19 virus ("Virus") and since that time conditions have continued to worsen;

WHEREAS, On March 13, 2020, the Mayor appointed the City Manager as the Director of Emergency and Disaster ("Director") pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050, absent the advice and consent of the La Mesa City Council ("City Council"), because the City Council was not in session;

WHEREAS, the Director proclaimed the existence of a local emergency within the City on the 13th day of March, 2020;

WHEREAS, On April 14, 2020 The City Council adopted Resolution No. 2020-033 confirming the Mayor's appointment of the City Manager as the Director of Emergency and Disaster ("Director") and the Director of Finance as the Assistant Director of Emergency and Disaster ("Assistant Director") and Director's Proclamation of the Existence of a Local Emergency Pursuant to La Mesa Municipal Code ("LMMC") Section 2.56.050.

WHEREAS, On June 23, 2020 the City Council adopted Resolution No. 2020-069 confirming the Mayor's appointment of the Assistant City Manager as the Assistant Director of Emergency and Disaster ("Assistant Director") pursuant to LMMC Section 2.56.050.

WHEREAS, LMMC Section 2.56.060 empowers the Director to promulgate and issue rules and regulations on matters reasonable related to the protection of life and property as affected by such emergency; and

WHEREAS, such rules and regulations must be confirmed at the earliest practicable time by the City Council thereafter.

NOW, THEREFORE, BE IT RESOLVED by the City Council that it confirms and ratifies the following rules and regulations included in Executive Order 5-2020 as promulgated and issued by the Director pursuant to LMMC Section 2.56.060 for the protection of the Citizens of La Mesa:

1. Authorize the continued operation of a farmers' market by IFP pursuant to the same terms and conditions of said expired special use permit; except as required by Executive Order.

2. Said authorization shall be valid for a period of 90 days or shall expire upon the issuance of a subsequent special use permit for a farmers' market operated by IFP, whichever occurs first.
3. IFP shall deposit a fee with the City of La Mesa prior to commencing any farmers' market operations pursuant to this Executive Order in the appropriate amount as determined by the City Manager.

PASSED AND ADOPTED at a Special meeting of the City Council of the City of La Mesa, California, held the 15th day of September 2020, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2020-___, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

EXECUTIVE DEPARTMENT
CITY OF LA MESA, CALIFORNIA

DIRECTOR OF EMERGENCY AND DISASTER
EXECUTIVE ORDER NO. 5-2020
(LA MESA MUNICIPAL CODE CHAPTER 2.56)

WHEREAS, the economic impacts of COVID-19 have been significant, and could threaten to undermine the stability of La Mesa businesses;

WHEREAS, on March 12, 2020, the County Public Health Officer issued orders directing the public to take certain actions to protect the public health from COVID-19;

WHEREAS, on March 13, 2020 the Director of Emergency and Disaster issued a proclamation of local emergency related to the spread of the COVID-19 virus in our community, which the City Council ratified on April 14, 2020, and the local emergency will continue until its termination;

WHEREAS, on March 19, 2020 pursuant to Executive Order N-33-20, the Governor directed all California residents to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, under the Order of the State Public Health Officer until further notice;

WHEREAS, on July 6, 2020 the Governor and Public Health Official issued orders prohibiting indoor dining activities within the County of San Diego;

WHEREAS, the City of La Mesa recognizes that due to said order, essential businesses such as farmers' markets serve as a significant option for nutritional needs;

WHEREAS, the City of La Mesa issued a special event permit for Integrity First Promotions (DBA Brian's Farmers' Market) ("IFP") to conduct a farmers' market every Friday from 2:00 to 8:00 PM July 1, 2018 – June 30, 2019;

WHEREAS, the City Council subsequently extended the permit at the July 23, 2019 meeting through July 31, 2020;

WHEREAS, for various reasons, said special use permit expired;

WHEREAS, during this time of declared emergency and disaster due to the coronavirus pandemic, currently it is in the best interests of the citizens of La Mesa for the farmers' market to continue as an option for nutritional needs;

WHEREAS, currently IFP desires to continue operating a farmers' market in La Mesa, even though its current permit has expired, and concurrently apply to the City Manager for a new special use permit for operating a farmers' market;


NOW, THEREFORE, I, Greg Humora, Director of Emergency and Disaster of the City of La Mesa, California, pursuant to La Mesa Municipal Code Chapter 2.56, hereby issue this Executive Order to do the following:

1. Authorize the continued operation of a farmers' market by IFP pursuant to the same terms and conditions of said expired special use permit; except as required by this Executive Order.

2. Said authorization shall be valid for a period of 90 days or shall expire upon the issuance of a subsequent special use permit for a farmers' market operated by IFP, whichever occurs first.
3. IFP shall deposit a fee with the City of La Mesa prior to commencing any farmers' market operations pursuant to this Executive Order in the appropriate amount as determined by the City Manager.

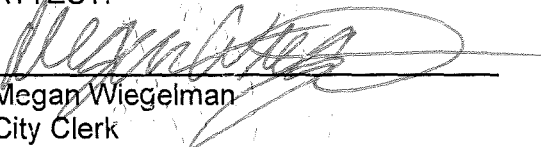
I FURTHER DIRECT that as soon as hereafter possible, this order be filed with the City Clerk, posted on the City's website and that widespread publicity and notice be given of this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Seal of the City of La Mesa to be affixed this 19th day of August, 2020.



Greg Humora
Director of Emergency and Disaster

ATTEST:



Megan Wiegelman
City Clerk