

RESOLUTION NO. 2023-028

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA
PROCLAIMING THE EXISTENCE OF A LOCAL
EMERGENCY CAUSED BY CONDITIONS AND
THREATENED CONDITIONS OF HOMELESSNESS
WITHIN THE CITY OF SAN BERNARDINO, WHICH IF
NOT CORRECTED, CONSTITUTES AN IMMINENT AND
PROXIMATE THREAT TO THE SAFETY OF PERSONS
AND PROPERTY IN THE CITY**

WHEREAS, San Bernardino Municipal Code Section 2.46.050(A) designates the City Manager as the Director of Emergency Services (“Director”); and

WHEREAS, San Bernardino Municipal Code Section 2.46.090(A)(1) empowers the Director to request the Mayor and City Council to proclaim the existence or threatened existence of a “local emergency”; and

WHEREAS, San Bernardino Municipal Code Section 2.46.020 defines an “emergency” as an “actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within [the] jurisdiction...which conditions are or are likely to be beyond the control of services, personnel, equipment, and facilities of the City, requiring the combined forces of other political subdivisions to combat”; and

WHEREAS, California Senate Bill 330, approved by the Governor on October 9, 2019, provided that California has a housing supply and affordability crisis of historic proportions, where “[t]he consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state’s environmental and climate objectives”; and

WHEREAS, the California legislature has acknowledged the importance of combating homelessness and the crisis of housing supply which is supported by California Labor Code Section 1720(c)(4) where prevailing wage rates do not apply to the construction of rehabilitation of affordable housing units for low or moderate income persons; and

WHEREAS, in efforts to combat the housing crisis, the California Legislature has recognized that local governments play a key role in the development of affordable housing, evidenced by California Government Code Section 65584, which mandates California cities, towns and counties to undertake all necessary actions to promote and facilitate the development of housing for its residents, for all income levels; and

WHEREAS, in conjunction with the State’s directives to combat homelessness and address the housing crisis, the City of San Bernardino (“City”) has designated significant resources

to address homelessness in the City, but the threat to life and property remains at stake beyond the control of the services, personnel, equipment, and facilities of this City, requiring the combined forces of other political subdivisions to combat this crisis; and

WHEREAS, the City has at any given time approximately 1,350 people experiencing homelessness Citywide; and

WHEREAS, according to City's 2022 Point in Time Count, the number of people experiencing homelessness in the City increased dramatically in recent years, with an overall rise in homelessness of 175% since 2017; and

WHEREAS, people experiencing homelessness suffer disproportionately from mental and physical health ailments and require assistance from the City of San Bernardino, San Bernardino County Behavior Health Department, and other local, state, and federal health agencies and non-profit organizations to provide the necessary public services; and

WHEREAS, the homelessness crisis confronting the City has grown both incrementally and exponentially, leading to death, illness, and deplorable living conditions; and

WHEREAS, the State of California's COVID-19 State of Emergency, which has provided resources to keep many San Bernardino residents from falling into homelessness, ends on February 28, 2023, thus requiring immediate action in order to create replacement and additional housing and shelter, and in order to support the necessary infrastructure and laws required to protect and provide that shelter and housing; and

WHEREAS, the displacement of the number of people living on the streets of the City today is a daily recurring emergency, empowering the City Council to declare a state of emergency, no less than if the emergency was caused by an earthquake, fire, or flood; and

WHEREAS, the City's ability to mobilize local resources, coordinate interagency response, accelerate procurement of housing units, use mutual aid, and seek assistance and potential reimbursement by the State and Federal governments will be critical to successfully responding to this homelessness crisis; and

WHEREAS, during the pendency of the existence of a local emergency, the City Council shall retain its full authority to consider a variety of City ordinances to codify the measures necessary to address this homelessness crisis; and

WHEREAS, on October 27, 2022 the City Council conducted a Homeless Workshop; and

WHEREAS, during the Homeless Workshop staff provided a goal for the City to have approximately 595 shelter beds. The City currently has only 170 active shelter beds, and is in immediate need of approximately 425 shelter beds to reach the goal of 595 shelter beds; and

WHEREAS, notwithstanding that the City Council has been and is acting with urgency, including implementing of a Homeless Action Plan which provides a roadmap to house San Bernardino residents and building an unprecedented number of supportive housing units and shelter beds, an emergency declaration is necessary to mobilize resources, save lives, and provide for the public health, welfare, and safety of all; and

WHEREAS, the City will be setting up a Homeless Task Force, made up of City leaders, department heads, service providers and advocates that will meet regularly to monitor the Homeless Action Plan's progress; and

WHEREAS, the City has responded to the rapid increase in its homeless population with unprecedented investments into homelessness solutions, including a commitment of over \$20 million from its American Rescue Plan Act resources to fund the Homeless Action Plan; and

WHEREAS, the magnitude of loss of life, the continued and disproportionate impact of the COVID-19 pandemic, and the persistent discriminatory impacts of a lack of housing warrant and necessitate that the City Council declare the existence of a local emergency; and

WHEREAS, the benefits of this emergency declaration, coupled with past and future actions by the City Council to address the homelessness crisis, will help ensure that this local emergency will be of a temporary nature.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Pursuant to California Government Code Section 8630 and San Bernardino Municipal Code section 2.46.090(A)(1), the City Council hereby finds and proclaims the existence of a local emergency caused by conditions or threatened conditions of homelessness in San Bernardino which, if not corrected, constitutes a threat to the safety of persons and property within the territorial limits of the City beyond the control of the services, personnel equipment, and facilities of the City.

SECTION 3. The City Manager is hereby authorized to furnish information, to enter into agreements, including, but not limited to, applications and agreements for grant funding, and to take all actions necessary to obtain emergency assistance from State and federal agencies to implement preventive measures to protect and preserve the City within the scope of the local emergency hereby declared. Section 2.46.110 of the San Bernardino Municipal Code provides that any expenditures made in connection with the emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City. City staff are hereby directed to provide the City Council with a report of actions taken under this Resolution at the next practicable opportunity, and no less than on a monthly basis.

SECTION 4. The City shall coordinate its efforts to address this proclaimed emergency with the other local jurisdictions, the County of San Bernardino, the State of California, and the federal government.

SECTION 5. The City of San Bernardino requests the Governor and State Legislature to declare a state of emergency to combat homelessness and direct resources to support the efforts of major cities in the State of California to address the problem.

SECTION 6. This Proclamation of Emergency shall sunset on February 1, 2024, subject to being renewed. The setting of a specific time frame allows for actions to be taken to make permanent, necessary structural changes. Pursuant to California Government Code Section 8630, the Mayor and City Council shall, by minute action, review the need for continuing the local emergency at least once every 60 days until it terminates the local emergency.


SECTION 7. Pursuant to Government Code section 3100, in protection of the health and safety and preservation of the lives and property of the people from emergencies which result in conditions of extreme peril to life, property and resources, all public employees are hereby declared disaster service workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

SECTION 8. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, 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.


SECTION 9. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 10. Effective Date. This Resolution shall become effective immediately.

APPROVED and ADOPTED by the City Council and signed by the Mayor and attested by the City Clerk this 1st day of February, 2023.



Helen Tran, Mayor
City of San Bernardino

Attest:



Genoveva Rocha, CMC, City Clerk

Approved as to form:



Sonia R. Carvalho, City Attorney

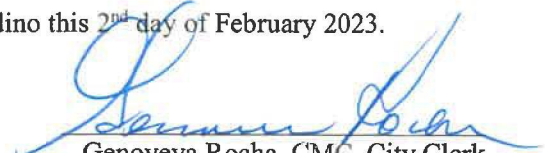
CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-028, adopted at a regular meeting held at the 1st day of February, 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	<u>X</u>	_____	_____	_____
IBARRA	<u>X</u>	_____	_____	_____
FIGUEROA	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
REYNOSO	<u>X</u>	_____	_____	_____
CALVIN	<u>X</u>	_____	_____	_____
ALEXANDER	<u>X</u>	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 2nd day of February 2023.


Genoveva Rocha, CMC, City Clerk