

Attachment A

Resolution No. 2020-61

RESOLUTION NO. 2020- 61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUPPORTING THE ORANGE COUNTY BOARD OF SUPERVISORS' DETERMINATION THAT HOUSES OF WORSHIP ARE ESSENTIAL SERVICES AND SUPPORTING IN-PERSON RELIGIOUS ASSEMBLIES

WHEREAS, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, requiring all individuals living in the State of California to stay home or at their place of residence, except as needed to maintain continuity of operations of the federal critical infrastructure sectors ("Stay at Home Order");

WHEREAS, as a result of the Stay at Home Order, houses of worship of all faiths ("Houses of Worship") throughout the City and the County of Orange ("County") had to close;

WHEREAS, on May 25, 2020, the California Department of Public Health announced that Houses of Worship can re-open if they comply with new guidelines, by limiting attendance to 100 people or twenty-five (25%) of the building's capacity, whichever is lower, and discourage "singing and group recitation";

WHEREAS, the limitation of operations at Houses of Worship in response to the COVID-19 outbreak inhibits the citizens of Newport Beach and the County of Orange from receiving the numerous benefits of ministries, social services, and critical emotional support provided by these local institutions, which are funded not by taxpayer dollars, but by the tithes and gifts from their own congregants;

WHEREAS, the current restrictions established by the Stay at Home Order have overlooked the essential and critical nature of the services provided by clergy and religious assemblies;

WHEREAS, there are millions of California residents who have a deep and sincere reliance upon their connection with local ministries, churches, synagogues, temples, mosques, and the clergy that lead them;

WHEREAS, over 1,200 California clergy and approximately 10,000 church & ministry leaders have signed a Declaration of Essentiality submitted to Governor Newsom and Dr. Angell, Director of the California Department of Public Health, dated May 20, 2020, on behalf of Advocates for Faith & Freedom, The National Center for Law and Policy, Liberty Counsel and Freedom of Conscience Defense Fund, and First Liberty, that addresses the religious community in California;

WHEREAS, on May 26, 2020, the County Board of Supervisors adopted Resolution 20-051 determining that gathering together in fellowship and worship in the faith of one's choice is an "essential" service, supporting the resumption of in-person religious assemblies to be held in compliance with Centers for Disease Control ("CDC") and State guidelines for social distancing, as is required of all "essential businesses," and expressing appreciation for the clergy who daily minister to the spiritual, physical, and mental needs of not only their congregants, but to of all who cry out for help in times of need.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council hereby declares that it supports the efforts of the County Board of Supervisors in its unanimously passed Resolution 20-051 that declares that the gathering together in fellowship and worship in the faith of one's choice is an "essential" service and supports the resumption of in-person religious assemblies in compliance with CDC and state guidelines for social distancing as is required of all "essential businesses." The City Council expresses its appreciation for the clergy who daily minister to the spiritual, physical, and mental needs of not only their congregants, but to of all who cry out for help in times of need.

Section 2: The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

Section 3: If any section, subsection, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 4: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 5: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.


ADOPTED this 23rd day of June, 2020.

Will O'Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney