

Communication from Public

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Date Submitted: 12/07/2021 05:48 PM

Council File No: 20-0291

Comments for Public Posting: I am writing to request that the City Council finally vote to terminate the Mayor's March 4, 2020 Emergency Declaration, after 21 months. The attached document contains references in its endnotes. Currently there is no covid emergency in the City of LA "beyond the control of normal services" as required by the City Charter, that could possibly justify the unprecedented and grossly unconstitutional assault on civil liberty and personal rights resulting from continuation of the Emergency Declaration. LA City Charter Section 8.22 defines a "local emergency" as "any occurrence which by reason of its magnitude is or is likely to become beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted branches and departments of the City government." The City Council has been robotically renewing the Mayor's Emergency Declaration without doing any independent investigation to determine if, in fact, the current situation is "beyond the control of normal services." Since the City does not have its own public health department, it relies upon the LA County Dept. of Public Health, which serves the county of about 10 million people. Today, December 7, 2021, out of the total population of 10 million, the LA County Dept. of Public Health reports only 629 covid patients in the hospital. On November 10, 2021, the day of the City Council's last vote to continue the Emergency Declaration, LA County Dept. of Public Health reported only 630 covid patients in the hospital. On the day of its October 19, 2021 vote to continue the Emergency Declaration there were only 632 covid patients in the hospital. Even during the height of the so-called "summer surge," according to California state statistics the number of hospitalized covid patients in LA County never even reached 2,000, and after peaking at about 1,920 around August 18–19, has declined rapidly. The Mayor issued the Emergency Declaration 21 months ago—but there has not been an "emergency" as defined in the LA City Charter for many months. In a city of 4 million and a county of 10 million, a few hundred or even 2,000 people in the hospital is clearly NOT "beyond the control of the normal services...." Compare the current situation of just a few hundred hospitalizations with the 2018 flu season, when the LA Times carried the headline "California hospitals face a 'war zone' of flu patients—and are setting up tents to treat them," reporting

“Hospitals across the state are sending away ambulances, flying in nurses from out of state and not letting children visit their loved ones for fear they’ll spread the flu. Others are canceling surgeries and erecting tents in their parking lots so they can triage the hordes of flu patients.” No government declared an emergency, imposed lockdowns, mask mandates or vaccine mandates—it was business as usual, despite the severe strain on hospitals. Surely the City cannot continue to maintain an emergency declaration in the hope that an emergency will eventually appear!

At its December 8, 2021 meeting, the City Council is again considering continuing the Mayor's March 4, 2020 Emergency Declaration, for the 21st month.ⁱ

It's time to end the Emergency Declaration. Currently *there is no covid emergency in the City of LA* "beyond the control of normal services" as required by the City Charter, that could possibly justify the unprecedented and grossly unconstitutional assault on civil liberty and personal rights resulting from continuation of the Emergency Declaration.

LA City Charter Section 8.22 defines a "local emergency" as "any occurrence which by reason of its magnitude is or is likely to become beyond the control of the normal services, personnel, equipment and facilities of the regularly constituted branches and departments of the City government."ⁱⁱ

The City Council has been robotically renewing the Mayor's Emergency Declaration without doing any independent investigation to determine if, in fact, the current situation is "beyond the control of normal services."

Since the City does not have its own public health department, it relies upon the LA County Dept. of Public Health, which serves the county of about 10 million people.

Today, December 7, 2021, out of the total population of 10 million, the LA County Dept. of Public Health reports *only 629 covid patients in the hospital*.ⁱⁱⁱ

On November 10, 2021, the day of the City Council's last vote to continue the Emergency Declaration, LA County Dept. of Public Health reported *only 630 covid patients in the hospital*.^{iv}

On the day of its October 19, 2021 vote to continue the Emergency Declaration there were *only 632 covid patients in the hospital*.^v

Even during the height of the so-called "summer surge," according to California state statistics the number of hospitalized covid patients in LA County never even reached 2,000, and after peaking at about 1,920 around August 18–19, has declined rapidly.^{vi}

The Mayor issued the Emergency Declaration 21 months ago—but there has not been an "emergency" as defined in the LA City Charter for many months. In a city of 4 million and a county of 10 million, a few hundred or even 2,000 people in the hospital is clearly NOT "beyond the control of the normal services...."^{vii}

Compare the current situation of just a few hundred hospitalizations with the 2018 flu season, when the *LA Times* carried the headline "California hospitals face a 'war zone' of flu patients—and are setting up tents to treat them," reporting "Hospitals across the state are sending away ambulances, flying in nurses from out of state and not letting children visit their loved ones for fear they'll spread the flu. Others are canceling surgeries and erecting tents in their parking lots so they can triage the hordes of flu patients."^{viii} No government declared an emergency, imposed lockdowns, mask mandates or vaccine mandates—it was business as usual, despite the severe strain on hospitals.

Surely the City cannot continue to maintain an emergency declaration in the hope that an emergency will eventually appear!

ⁱ Mayor's order: <https://www.lamayor.org/COVID19Orders>

ⁱⁱ Section 8.22: https://codelibrary.amlegal.com/codes/los_angeles/latest/laac/0-0-0-33460

ⁱⁱⁱ December 7, 2021:

<http://www.publichealth.lacounty.gov/phcommon/public/media/mediapubdetail.cfm?unit=media&ou=ph&prog=media&cur=cur&prid=3556&row=25&start=1>

^{iv} November 10, 2021:

<http://www.publichealth.lacounty.gov/phcommon/public/media/mediapubdetail.cfm?unit=media&ou=ph&prog=media&cur=cur&prid=3492&row=25&start=51>

^v October 19, 2021:

<http://www.publichealth.lacounty.gov/phcommon/public/media/mediapubdetail.cfm?unit=media&ou=ph&prog=media&cur=cur&prid=3451&row=25&start=101>

^{vi} By comparison, the high point of LA County hospitalizations was reached in January 2021, with more than 8,300 patients in the hospital, which again rapidly decreased. CA state dashboard: https://covid19.ca.gov/state-dashboard/#location-los_angeles

^{vii} According to the California Dept. of Health and Human Services, there are more than 21,500 hospital beds in LA County—more than the next four largest counties (San Diego, Orange, San Bernardino and Santa Clara) *combined*, <https://data.chhs.ca.gov/dataset/healthcare-facility-bed-types-and-counts/resource/d6599aac-ff5e-4693-a295-9f9d646a1f06>

^{viii} 2018 flu season: <https://www.latimes.com/local/lanow/la-me-ln-flu-demand-20180116-htmlstory.html>