



## Protecting Public During Health Emergency

***By City Attorney Mara W. Elliott***

Even in the best of times, there is an abundance of legal work for the attorneys who advise our elected officials and department heads. We find that keeping a \$3 billion municipal government out of trouble and operating effectively is as satisfying as it is challenging.

During a crisis, however, the workload grows exponentially. Unprecedented situations may require original solutions, and even new laws. Urgent questions arise and need quick answers. Emergency orders need to be clarified for city employees and the public, as they can change everything from how government stays transparent to what is legal and illegal.

At times like these, the attorneys in our Civil Advisory Division are the unsung heroes of City government, toiling behind the scenes to ensure the City can respond to rapidly developing situations swiftly and legally. When the COVID-19 emergency hit, my Office received what might otherwise be six months of legal questions in just two weeks.

Issues covered by our advice included nearly every aspect of City operations:

- The use of City facilities and property for emergency housing and other purposes necessary to combat the spread of COVID-19,
- The City's ability to provide relief to tenants, landlords, businesses, water customers, and others impacted by COVID-19,
- Definitions of "essential" and "non-essential" businesses under the Governor's executive order, and the City's powers to enforce the closure of businesses that refuse to comply,
- The City's ability to preemptively cancel public events in parks and on leased property that appear to violate the Governor's executive order,
- Protocols for minimizing City employee exposure to the novel coronavirus, including police officers who deal with symptomatic arrestees,
- Keeping City business flowing smoothly when the employees needed to review and sign documents are working remotely, and
- Rules for holding public meetings under the Brown Act when members of the public cannot be physically present

In addition to addressing these issues, and dozens more, our Office quickly drafted the Eviction Moratorium and Business Relief resolutions that were unanimously approved by the City Council on March 25.

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We also worked on establishing emergency childcare for our City’s public safety personnel, who continue to work long hours even while their children are home from school. Other divisions in our Office are working equally hard to keep San Diegans safe during the health emergency.

Attorneys and investigators in the Affirmative Civil Enforcement Unit (ACE) are working nights and weekends to protect consumers from exploitation. Price gouging – or selling essential items for more than 10 percent of the normal cost – is illegal under state law after a state of emergency has been declared.

ACE is also tracking down scammers that peddle false promises of treatments and cures, fraudulent financial investments, fake at-home testing kits, and deceptive online ads and email campaigns.

San Diegans shouldn’t have to worry about being cheated when taking precautions to stay healthy. To report price gouging or scams, please call at (619) 533-5618.

Even while courtrooms are closed, our Office works directly with the courts to ensure access to justice. Gun Violence Restraining Orders to prevent gun violence and Restraining Orders for victims of domestic violence are still being obtained.

And our Family Justice Center, which serves victims of domestic violence and human trafficking, has adapted to the times. Its dedicated staff is available by phone to provide safety planning and connect victims to community resources. To reach a victim services coordinator at the FJC, call (619) 533-6000 or (619) 533-6001.

During this difficult time, everyone in the San Diego City Attorney’s Office is working diligently to protect the health and safety of you and your community.

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