

# ORD-28

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING SECTION 2.84.170, TO TEMPORARILY SUSPEND CERTAIN PROVISIONS OF CHAPTER 2.84 DURING THE PROCLAIMED LOCAL EMERGENCY CAUSED BY HOMELESSNESS; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

WHEREAS, on January 10, 2023, the City Council of the City of Long Beach adopted Resolution No. RES-23-\_\_\_\_\_ making certain findings and proclaiming the existence of a local emergency caused by conditions and threatened conditions of homelessness within the City of Long Beach (City), which if not corrected, constitutes an imminent and proximate threat to the safety of persons and property within the City; and

WHEREAS, shelter and housing is particularly important during the coming winter months when people experiencing homelessness in the City are likely to face heightened exposure and dangers from living outdoors, and heightened dangers from the combination of COVID-19, flu outbreak and respiratory syncytial virus (RSV). It is projected that the City will face an acute shortage of winter homeless shelters through March 2023, with fewer than half of the number of shelter sites available in the County of Los Angeles compared to the winter of 2021-2022 and nearly two-thirds fewer shelter beds; and

WHEREAS, California Government Code Sections 8698.1 and 8698.2 allow local jurisdictions to declare a shelter crisis; the City of Long Beach’s most recent shelter crisis is set to expire March 31, 2023; and

WHEREAS, the State of California’s COVID-19 State of Emergency, which has provided resources to keep many Long Beach residents from falling into

OFFICE OF THE CITY ATTORNEY  
DAWN MCINTOSH, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
Long Beach, CA 90802

1 homeless, ends in February of 2023, thus requiring immediate action in order to create  
2 replacement and additional housing and shelter, and in order to support the necessary  
3 infrastructure and laws required to protect and provide that shelter and housing; and

4 WHEREAS, the County and State’s eviction moratorium, which has protected  
5 many Long Beach residents from falling into homelessness, ends concurrently with the end  
6 of California’s State of Emergency regarding the COVID-19 pandemic on February 1, 2023;  
7 and

8 WHEREAS, the City expanded interim bed access by 535 beds since 2020;  
9 there are currently more than 1,300 interim housing beds citywide and the City Council  
10 continues to prioritize the building of interim and permanent supporting housing, yet need  
11 continues to outpace demand; and

12 WHEREAS, the City projects it will soon have a total of 15,346 supportive  
13 and affordable units, of which 1,546 have been recently completed, 319 are currently under  
14 construction, and more than 500 are in pre-development; and

15 WHEREAS, the City has responded to the rapid increase in its homeless  
16 population with unprecedented investments into homelessness solutions, including a more  
17 than \$80 million commitment in the 2022-2023 City budget for the expansion of bridge  
18 housing, an additional Restorative Engagement to Achieve Collective Health (REACH)  
19 team, call takers, library outreach workers, two mobile MSC units, a mental health and  
20 substance use treatment van, a winter shelter partnership, and the hiring of professionals  
21 to address the homelessness crisis and, notwithstanding these efforts, the number of those  
22 experiencing homelessness in the City continues to increase and outstrip the resources  
23 and services that the City has provided; and

24 WHEREAS, the City of Long Beach has designated significant resources to  
25 address homelessness in the City, but the threat to life and property remains at stake  
26 beyond the control of the services, personnel, equipment, and facilities of this City,  
27 requiring the City to protect the public safety, health, and welfare within the City through  
28 this ordinance; and

1           WHEREAS, On May 24, 2016, the City Council approved an amendment to  
2 Long Beach Municipal Code (LBMC) Section 2.84, and adopted Ordinance ORD-16-0008  
3 relating to Job Order Contracts (JOC). On November 16, 2021, the City Council approved  
4 an amendment to LBMC Sections 2.84.100 and 2.84.110, and adopted Ordinance ORD-  
5 21-0038 to increase the per project work order threshold to \$750,000 and reduce the  
6 required contractor performance to 15 percent of each project; and

7           WHEREAS, the JOC project delivery system provides a significant benefit to  
8 the City of Long Beach (City), including faster completion of projects, and reduced  
9 complexity of processes. The City uses the JOC program regularly for smaller construction  
10 projects like roof repairs, doorway replacements, tenant improvements, painting, park  
11 improvements, demolition, electrical maintenance, and other repairs including emergency  
12 requests. Contractors are prequalified and enter into a competitively bid, fixed price, multi-  
13 year construction contract based on an established Construction Task Catalog for  
14 construction projects. The JOC program is used as a timely and cost-effective option for  
15 the delivery of renovation, repair and minor construction projects; and

16           WHEREAS, in response to the State of California's COVID-19 State of  
17 Emergency, the City applied for and received Project HomeKey funding and other  
18 homeless servicing grants to begin assisting residents falling into homelessness. Pursuant  
19 to LBMC 2.84.100, the JOC program can only be utilized for single job order projects that  
20 are less than \$750,000. Due to the recent emergency proclamation, the City is requesting  
21 to remove the single job order threshold to utilize the JOC program to expedite the projects,  
22 in response to the proclaimed local emergency caused by homelessness, for a more  
23 efficient and timelier project delivery; and

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1                   NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
2 follows:

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4                   Section 1.    Section 2.84.170 is hereby added to the Long Beach Municipal  
5 Code to read as follows:

6  
7                   2.84.170    Suspensions.

8                   A.    Suspend provisions of Chapter 2.84 that pertain to single job  
9 order thresholds for projects which address the proclaimed local emergency  
10 caused by homelessness, for a more efficient and timelier project delivery.

11                  B.    This Section 2.84.170 shall expire on the later of (i) one  
12 hundred eighty (180) days after its effective date, or (ii) with respect to  
13 projects begun prior to such date but not yet complete, on the date of  
14 completion of such project, unless further extended by the City Council in its  
15 discretion by an amendment to this Chapter.

16  
17                  Section 2.   This ordinance is intended to be consistent with all applicable  
18 state and federal law, and is not intended to regulate in any area preempted by state or  
19 federal law. If any provision of this ordinance is found to be unconstitutional or otherwise  
20 invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining  
21 provisions of this ordinance which can be implemented without the invalid provisions, and  
22 to this end, the provisions of this ordinance are declared to be severable. The City Council  
23 hereby declares it would have adopted this ordinance and each provision hereof  
24 irrespective of whether any one or more provisions are found invalid, unconstitutional or  
25 otherwise unenforceable.

26  
27                  Section 3.   This ordinance is an emergency ordinance duly adopted by the  
28 City Council by a vote of five of its members. The City Clerk shall certify to a roll call and

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DAWN MCINTOSH, City Attorney  
411 W. Ocean Boulevard, 9th Floor  
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1 vote on the question of the emergency of this ordinance and to its passage by the vote of  
2 five members of the City Council of the City of Long Beach, and cause the same to be  
3 posted in three conspicuous places in the City of Long Beach, and it shall thereupon take  
4 effect and shall be operative immediately.

5  
6 Section 4. This ordinance shall also be adopted by the City Council as a  
7 regular ordinance, to the end that in the event of any defect or invalidity in connection with  
8 the adoption of this ordinance as an emergency ordinance, the same shall, nevertheless,  
9 be and become effective on the thirty-first (31st) day after its approved by the Mayor. The  
10 City Clerk shall certify to the passage of this ordinance by the City Council and cause it to  
11 be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect  
12 on the thirty-first (31st) day after it is approved by the Mayor.

13  
14 I hereby certify on a separate roll call and vote which was taken by the City  
15 Council of the City of Long Beach upon the question of emergency of this ordinance at its  
16 meeting of \_\_\_\_\_, 2023, the ordinance was declared to be an  
17 emergency by the following vote:

18  
19 Ayes: Councilmembers: \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 Noes: Councilmembers: \_\_\_\_\_

24 \_\_\_\_\_

25 Absent: Councilmembers: \_\_\_\_\_

26 \_\_\_\_\_

27 Recusal(s): Councilmembers: \_\_\_\_\_

28 \_\_\_\_\_

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I further certify that thereafter, at the same meeting, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

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I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2023, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Recusal(s): Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor