



Legislation Text

File #: 22-0175, Version: 1

Recommendation to direct City Attorney to amend LBMC Chapters 5.53 and 5.55 to remove their sunset clauses thereby making Chapters 5.53 and 5.55 permanent; and

Direct City Attorney to rewrite LBMC sections 5.53.010 and 5.55.010 to reflect that the purpose of the City's recall and retention ordinances (LBMC 5.53 and 5.55) is to ensure an equitable recovery from COVID-19 for Long Beach hotel and janitorial workers and to protect workers against the dangers posed by future pandemics, including future COVID-19 variants and surges, and to return with the amended ordinance within 7 days.

On May 12, 2020, the City Council adopted two Ordinances: the COVID-19 Citywide Worker Retention Ordinance (LBMC, Chapter 5.53) and the COVID-19 Citywide Worker Recall Ordinance (Long Beach Municipal Code (LBMC), Chapter 5.55) to provide protections to workers in high-contact, high-risk industries during the COVID-19 emergency. Both Ordinances became effective on June 22, 2020.

In a [November 1 memo](#) to the City Manager, Economic Development Director John Keisler recommended a sunset date of December 31, 2021, for both ordinances. The memo cited "that both State and local health orders related to COVID-19 have been lifted or relaxed, that state and federal COVID-19 sick leave laws have expired, that many high-contact industries including hospitality, hotels, janitorial, and food services have been allowed to resume operation, and that large local event venues such as the Convention Center and the Grand Prix have been allowed to resume activities," as the reasons for recommending the sunset.

On December 7th, due to a projected surge in COVID-19 cases coinciding with the arrival of the Omicron variant, the City Council directed the City Manager to push the recommended December 31st sunset date out to February 28th. Since then, Long Beach has suffered record-high case counts, and with cases still above last winter's previous high, it has become clear that the approach of re-evaluating the ordinance every 90 days is only adding uncertainty to an already uncertain situation for workers and ownership in the hotel industry.

Because of the unpredictability of COVID-19's tendency to develop new and more contagious variants, an approach to worker protections that merely evaluates the usefulness of the ordinance in each given three-month window could put the city in a position where it eliminates the ordinance one day and then brings it back again the next in response to a new variant. This style of seesaw regulation would be damaging to both workers and hotel owners. To provide certainty and security to both groups, the COVID-19 worker recall and retention ordinances should be left in place permanently until City Council decides they are

no longer necessary.

This recommendation requests the City Attorney to amend LBMC Chapters 5.53 and 5.55 to remove their sunset clauses thereby making Chapters 5.53 and 5.55 permanent, as well as to rewrite LBMC sections 5.53.010 and 5.55.010 to better reflect the purpose of the City's recall and retention ordinances. Implementing this recommendation is anticipated to require a minimal level of staff hours beyond the normal budgeted scope of duties and is expected to have a minimal impact on existing City Council priorities.

Approve recommendation.

Rex Richardson
Vice Mayor
9th District