



## Legislation Text

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**File #:** 22-0157, **Version:** 2

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Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.120, temporary enforcement of Long Beach health orders related to COVID-19; declaring the urgency thereof; and declaring that this ordinance shall take effect immediately, read and adopted as read. (Citywide)

A proposed Ordinance extending the effective date of LBMC Ch. 8.120 for an additional 180 days is being provided at the request of the City Manager. The Ordinance was originally adopted on May 12, 2020. The Ordinance has been extended three times by the City Council: on November 2, 2020, January 19, 2021, and August 17, 2021.

Without an amendment extending this Ordinance, it will expire by its own terms on February 13, 2022. If passed as an urgency ordinance, the proposed Ordinance will extend the expiration of LBMC Ch. 8.120 until August 7, 2022, unless further extended by the City Council in its discretion.

In an effort to mitigate the effects of COVID-19 within the City, the Long Beach Health Officer issues Health Orders for Control of COVID-19 ("Health Orders") and revises Health Orders from time to time as necessary for the public health and safety during this ongoing emergency. The proposed Ordinance is necessary to further protect the public health and safety by providing enforcement remedies for violations of the lawfully issued Health Orders of the City.

The City is experiencing a sharp increase in COVID-19 cases. This increase in COVID-19 cases can be expected to lead to an increase in hospitalizations, which has the potential to overwhelm the healthcare system. Individuals, especially those who are older or who have underlying health conditions may suffer severe health outcomes from COVID-19 infection, including death.

This Ordinance requires, where practicable, the City Manager to bring City Health Orders related to COVID-19 before the City Council for confirmation prior to promulgating such Health Orders. In the event it is not feasible to do this, the City Manager is required to, within 14 days of promulgation of said Health Orders, request the City Council to confirm the Health Orders. This process recognizes a potential need for the City's Health Officer to quickly amend or update, and the City Manager to promulgate, City Health Orders due to the rapid development of COVID-19, including variants of COVID-19, while still ensuring that the City Council maintains oversight of the COVID-19 local emergency and the City Manager's related orders.

Although it is vital that the City is able to effectively enforce City Health Orders during the COVID-19 emergency, the City's primary goal is to ensure the public health and safety is achieved through outreach efforts and education of the Long Beach community. However, where such education and outreach efforts are unsuccessful in compelling compliance, the proposed Ordinance allows for civil, administrative, and/or criminal enforcement of City Health Orders related to COVID-19, as may be necessary. In the case of a criminal prosecution, the City Prosecutor would have the discretion to charge the offense as either an infraction or a misdemeanor.

Approve recommendation.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.120, TEMPORARY ENFORCEMENT OF LONG BEACH HEALTH ORDERS RELATED TO COVID-19; DECLARING THE URGENCY THEREOF; AND DECLARING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY

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