



Legislation Text

File #: 20-0881, **Version:** 1

Recommendation to confirm the City Manager's promulgation of the Order for Control of COVID-19 Access to Diagnostic Testing Through Health Care Facilities issued on August 26, 2020, with an effective date of September 7, 2020, by the City of Long Beach Health Officer as a regulation. (Citywide)

On March 19, 2020, the City's Health Officer issued the "Safer at Home Order for Control of COVID-19" (Health Order) to mitigate the effects of COVID-19 within Long Beach. The City's Health Officer has revised the Health Order from time to time, as necessary, to protect public health and safety during this ongoing emergency. On August 26, 2020, the City's Health Officer issued the attached Order for Control of COVID-19 Access to Diagnostic Testing Through Healthcare Facilities, with an effective date of September 7, 2020. The Order was issued to ensure access to COVID-19 diagnostic testing in outpatient/ambulatory care settings to effectively prevent, clinically manage, and control COVID-19 in Long Beach.

On May 12, 2020, the City Council adopted Long Beach Municipal Code (LBMC) Chapter 8.120, "Temporary Enforcement of Long Beach Health Orders Related to COVID-19," which became effective immediately as an urgency Ordinance. Chapter 8.120 requires, where practicable, the City Council to confirm COVID-19 Health Orders for the sole purpose of authorizing the City Manager's promulgation of 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 City Manager's promulgation of the Health Order. The City Manager's promulgation of the Health Order, and City Council's confirmation of such orders, authorizes enforcement authority of the Health Orders under the Proclamation of Local Emergency and provisions of Chapter 8.120.

This process recognizes the potential need for the City's Health Officer to quickly amend or update, and the City Manager to promulgate as a regulation under the LBMC, City Health Orders that protect life and property as affected by the COVID-19 emergency. The process allows for the City to respond to the rapid development of COVID-19, while ensuring the City Council maintains oversight of the COVID-19 local emergency and the City Manager's promulgation of related orders.

This matter was reviewed by Deputy City Attorney Taylor M. Anderson and Budget Manager Grace H. Yoon on August 31, 2020.

EQUITY LENS

The City has incorporated the Equity Toolkit into the City's Emergency Operations Center, as

requested by the City Council on April 21, 2020. The revised Health Order takes the City's equity approach into consideration when the Health Order is drafted and implemented. The City's enforcement model for compliance with the Health Order prioritizes education with the community first.

City Council action is requested on September 8, 2020. Confirmation by the City Council of the revised Health Order within 14 days of promulgation is a requirement of LBMC Section 8.120. The Order for Control of COVID-19 Access to Diagnostic Testing Through Health Care Facilities was promulgated on August 26, 2020.

The full fiscal impact of the implementation and enforcement of the revised Health Order is unknown at this time, due to the unprecedented and quickly changing nature of the response to the pandemic. The Health Order and its amendments have an inherent impact on the health of the community and economic activity of Long Beach. There is substantial evidence provided through various public City reporting that the Health Order and its amendments are positively impacting the health and safety of Long Beach residents; and, there is substantial evidence, also provided through other public documents issued by the City, that the Health Order and its amendments are negatively impacting the economy and the City's financial status. As the Health Order is modified from time to time, the modifications are intended to ensure compliance with State directives and to strike a balance, appropriate at the time of modification, between the safety and well-being of residents and other important considerations such as economic impacts. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

Approve recommendation.

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THOMAS B. MODICA
CITY MANAGER