



Legislation Text

File #: 21-1233, **Version:** 1

Recommendation to confirm the City Manager's promulgation of the revised Safer at Home Quarantine Order and revised Public Health Emergency Order for the Control of COVID-19, both issued on November 4, 2021, by the City of Long Beach Health Officer as a regulation. (Citywide)

On March 19, 2020, the City's Health Officer issued a Public Health Emergency Order (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 November 4, 2021, the City's Health Officer issued revisions to the Quarantine and Health Orders. The revised Quarantine Order (attached) was issued to implement "Mandatory Requirements for Schools Using the Modified Quarantine Option." The revised Health Order (attached) was issued to:

- Effective November 15, 2021, require K-12 public and private schools to adhere to "Mandatory Requirements for Schools Using the Modified Quarantine Option," where applicable.
- Clarify that Mega Events are required to test attendees two years of age and older.
- Clarify that individuals engaged in performing arts, such as musical or theatrical performances, may perform for an audience without a face mask. This is exception is limited to the period of time in which such tasks are actually being performed. Individuals who cannot feasibly wear a mask while performing their work must be tested for COVID-19 at least twice per week, unless the establishment is provided proof of the individual's full vaccination against COVID-19 or proof recovery from laboratory-confirmed COVID-19 within the past 90 days against COVID-19.
- Clarify that where two or more employees travel in a vehicle together, all employees in the vehicle must wear face masks.

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, Chapter 8.120, as amended on January 19, 2021, requires the City Manager to, within 14 days of promulgation of said Health Orders or at the next duly noticed public meeting of the City Council, 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 by Budget Manager Grace H. Yoon on November 9, 2021.

STATEMENT OF URGENCY

LBMC Chapter 8.120 requires the City Manager to, within 14 days of promulgation of said Health Orders or at the next duly noticed public meeting of the City Council, request the City Council to confirm the City Manager's promulgation of the Health Order. The Safer at Home Quarantine and Public Health Emergency Orders were revised and promulgated on November 4, 2021.

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 November 16, 2021. Confirmation by the City Council of the revised Health and Quarantine Orders is a requirement of LBMC Chapter 8.120.

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