



Legislation Details (With Text)

File #: 20-0390 **Version:** 4 **Name:** CA - ORD/Civil Defense

Type: Emergency Ordinance **Status:** Adopted

File created: 4/27/2020 **In control:** City Council

On agenda: 5/5/2020 **Final action:** 5/19/2020

Title: 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)

Sponsors: City Attorney

Indexes:

Code sections:

Attachments: 1. 050520-ORD-29sr&att.pdf, 2. 051220-ORD-16sr&att Revised.pdf, 3. 051920-ORD-19att.pdf, 4. ORD-20-0013 (EMERG).pdf, 5. ORD-20-0013 (FINAL).pdf

Date	Ver.	Action By	Action	Result
5/19/2020	4	City Council	approve recommendation and adopt	Pass
5/12/2020	3	City Council	approve recommendation to declare Emergency Ordinance No. ORD- , read, and adopted as read and laid over to the next regular meeting of the City Council for final reading	Pass
5/12/2020	3	City Council	approve recommendation to declare an emergency to exist	Pass
5/5/2020	1	City Council	approve recommendation	Pass

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)

Per your request on May 5, 2020, this Ordinance amending the Long Beach Municipal Code ("LBMC") by adding Chapter 8.120, "Temporary Enforcement of Long Beach Health Orders Related to COVID-19", has been prepared and is submitted for your consideration.

In an effort to mitigate the effects of COVID-19 within the City, the Long Beach Health Officer issued the "Safer at Home Order for Control of COVID-19" ("Health Order") and has revised the Health Order from time to time as necessary for the public health and safety during this ongoing emergency.

The proposed Ordinance would require, 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, 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.

It is the intent of the City that enforcement of City Health Orders related to COVID-19 will only occur after a person is provided ample opportunity to comply after being notified of an alleged violation. The proposed Ordinance is temporary and expires 180 days from its effective date, unless further extended by the City Council in its discretion by an amendment to the Ordinance.

Ideally, the City will be able to garner compliance through its outreach and education efforts. It is anticipated that civil, administrative, or criminal enforcement will only be necessary when all other reasonable efforts in seeking compliance have failed. With respect to criminal enforcement, the Long Beach City Prosecutor submits the following for your consideration:

The City Prosecutor's Office has been in close communication with the Police Department on enforcement strategies and getting updates from the field. From all appearances, Long Beach residents are voluntarily complying with both the spirit and letter of the [COV/D-19 Health] Orders. We are aware of no arrests and only two citations for individuals who, after notice and an opportunity to comply with specific orders, continued to violate the orders. Indications to date suggest that people in Long Beach understand the orders, find the orders to be clear, and are following the orders without the need for significant enforcement action by police. Officers are exercising judgment and discretion. In the instances where officers find people in clear violation of an order, an explanation or warning from the officer is resulting in compliance virtually every time.

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

CHARLES PARKIN

CITY ATTORNEY

BY:
MONICA J. KILAITA
DEPUTY CITY ATTORNEY