



Legislation Text

File #: 21-0885, **Version:** 1

Recommendation to confirm City Manager's promulgation of the revised Safer at Home Health Order, issued on August 18, 2021, 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 18, 2021, the City's Health Officer issued revisions to the Health Order, pursuant to the Beyond the State's Blueprint for a Safer Economy, and a mandate by Governor Gavin Newsom and the State Health Officer. The revised Health Order (attached) was issued to require masking for outdoor large-scale events where more than 10,000 people are present. In addition, the City's Health Order also continues the requirement that vaccinated and unvaccinated individuals must wear face masks at indoor public settings.

The revised Health Order also incorporates:

- The July 26, 2021 Order of the State Public Health Officer, which requires additional statewide facility-directed measures to protect particularly vulnerable populations in hospitals, acute health care and long-term care settings, high-risk congregate settings and other health care settings.
- The August 5, 2021 Order of the State Public Health Officer, which requires additional statewide facility-directed measures to protect particularly vulnerable populations from visitors during indoor visitations at hospitals, skilled nursing facilities and intermediate care facilities.
- The August 5, 2021 Order of the State Public Health Officer, which requires additional statewide measures to protect particularly vulnerable populations by requiring workers who provide services or work in certain health care facilities have their first dose of a one-dose regimen COVID-19 vaccine or their second dose of a two-dose regimen COVID-19 vaccine by September 30, 2021. The Order additionally applies any requirements in the State Public Health Officer Order of August 5, 2021 titled "Health Care Worker Vaccine Requirement" to dental workers and home health care workers.
- The August 11, 2021 Order of the State Public Health Officer, which requires additional statewide measures to protect particularly vulnerable populations by verifying vaccination status among eligible private and public K-12 school workers, and establishes diagnostic screening testing of unvaccinated workers to minimize the risk that they will transmit while on

K-12 school campuses, where a majority of students are not vaccinated and younger students are not yet eligible for vaccines.

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 Budget Manager Grace H. Yoon on August 19, 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 Health Order was revised and promulgated on August 18, 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 August 24, 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.

THOMAS B. MODICA
CITY MANAGER