

Ordinance: Remedies For Violations of County Health Officer Orders Pertaining to COVID-19

Santa Barbara County Board of Supervisors
October 20, 2020



Reason for Ordinance

- Potential for future resurgence of COVID-19
 - Concern for “twindemic” – Flu and COVID-19
 - Opening increases potential exposure
 - Upcoming holidays, multi-household gatherings and colder weather
 - Congregation of college students
 - General weariness with restrictions
- Blueprint for a Safer Community
 - Red County (indicating substantive transmission)
 - Prevent backsliding and moving forward to orange (moderate) or yellow (minimal) transmission risk tiers
 - Success in Reopening - RISE



Proposed Ordinance

- Adds Chapter 51
- Applies to unincorporated County only
- Administrative authority to Director of Emergency Services (CEO per County Code, Chap 12)
- Effective until:
 - Local Emergency Proclamation is terminated, or
 - Terminated by the Board
- Provides lesser sanctions than options currently available (criminal misdemeanors or fines up to \$1,000)
- Establishes Administrative Fines
 - Penalties for violating County Health Officer Orders
 - \$100, \$200, \$500



Health Officer Orders of Concern

- Prohibited Activities per current Health Officer Orders
- Health Officer Order (HOO 2020-12.10) – October 2, 2020
 - All gatherings are prohibited unless otherwise excepted
 - Identifies allowed and restricted business operations and community services



Administrative Fines NOT Anticipated for

- Individuals walking down the street without a mask
- A family at the beach not wearing a mask
- A household sitting at a park and not wearing a mask



Examples of Anticipated Enforcement

- Parties that exceed the number of people or households allowed
- Businesses that are not complying to reopening guidelines
 - Capacity limitations
 - Not enforcing protective measures
- Large groups at a park or beach
 - Prohibition on gatherings
 - Other parts of the health order (like adult sports)



Violations/Complaints Process

Violation Observed

- Community Member
- Ambassadors
- Regulatory Agency
- Enforcement Agency



Education*

- Explanation of restrictions
- Offer resources
- Collaborative process
- Multiple attempts



Enforcement Actions

- Jurisdiction enforcing
- Violation
- Egregious

**EXCEPTIONS: Egregious Violations & State Regulatory Agencies*



Community Education and Outreach

- County RISE Ambassadors
- City, County and Government Agencies
- Regulatory Agencies
 - Ex: Environmental Health Services, Agricultural Commission, City Code Enforcement, Cal OSHA
- Enforcement Agencies
 - Ex: Sheriff's Department, Park Rangers



COVID-19 Information Sharing

- www.PublicHealthSBC.org
- www.RecoverySBC.org
- Press Releases
- Social Media
- Press Conferences
- Community signage
- 2-1-1
- Sector Specific Guidance
- Sector Liaisons
- Videoblogs



County Enforcement Options – Civil and Criminal

- Based on County Code, State law, and procedures for due process
- Civil
 - Cease and Desist and Injunction
 - May include fiscal penalties
 - Referred to District Attorney's Office by local jurisdiction
- Criminal – Misdemeanor
 - Citation - Maximum \$1,000 or Arrest (90 days)
 - Enforced by Law Enforcement
 - Prosecution by District Attorney



County Enforcement Options - Administrative

- Based on County Code, State law, and procedures for due process
- License suspension or revocation
 - Environmental Health – Restaurants, Bars, Breweries, Vitamin Shops, Tattoo Parlors, etc.
- Administrative fines (if ordinance is passed)
 - Restricted to County unincorporated
 - Applicable to all types of businesses and individuals
 - Warning citations can be given



Administrative Fine Enforcement Options

- Not recommended:
 - Create a New Bureau or Group
 - Utilize Law Enforcement exclusively
 - Reassign County Employees
- Instead, **Empower County Employees within current function**
 - Already have Administrative and/or Regulatory enforcement authorities
 - Already have knowledge of citation procedures
 - Associated with day-to-day job responsibilities



Anticipated Enforcement Positions

- Limited to violations observed within their day-to-day duties
- Agricultural Commission Inspectors –
 - Weights and Measures
 - Agricultural
- Park Rangers



Anticipated Enforcement Positions

- Environmental Health Services (EHS) –
 - Enforcement for businesses with no assoc. local government agency
- Sheriff Deputies –
 - Non-criminal option
 - Violations within public and private spaces



Administrative Structure

- Identify and train Hearing Officers
 - Currently have county staff who conduct hearings
- Development of
 - Training
 - Administrative procedures
 - Logistics, including virtual hearing concepts



Summary

- Mitigates potential future COVID-19 surges
 - If surge occurs, removes need to bring back Urgency Ordinance
- Supports safely reopening our Community
- Reduces likelihood of overwhelming health care systems
- Provides an alternative tool for enforcement
- Highest priority will remain Education and Outreach



Recommended Actions

- a) Approve the introduction of an Ordinance to amend County Code by adding Chapter 51 to adopt remedies for violations of County Health Officer Orders pertaining to COVID-19;
- b) Read the title and waive further reading of the Ordinance;
- c) Continue the item to the Agenda for November 10, 2020 to consider the adoption (Second Reading) of the Ordinance;
- d) On November 10, 2020, adopt the Ordinance;
- e) Determine that adoption of the Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c), 15061(b)(3); and 15378(b)(5); and direct staff to file a Notice of Exemption (Attachment B).

**PROTECT.
RESPECT.**

WEAR YOUR MASK.

"I wear a mask to protect the health of our loved ones and to model for our youth."

Eder, 31
nonprofit executive director

www.ProtectRespect.org



QUESTIONS

**PROTECT.
RESPECT.**

WEAR YOUR MASK.

"I wear my mask to protect those who are vulnerable and because I care about my community."

Marcela, 31
Mixteco interpreter/outreach specialist

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**PROTECT.
RESPECT.**

WEAR YOUR MASK.

"I wear a mask to protect others and because it's the right thing to do."

Isa, 22
recent UCSB graduate

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**PROTÉJASE.
RESPETE.**

USE SU MASCARILLA.

"Me pongo una mascarilla porque valoro mi salud, mi familia y nuestra comunidad."

Mario, 30
professor

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