



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Board of Supervisors
Department No.:
For Agenda Of: 8/25/20
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from:
Vote Required: 4/5 vote required

TO: Board of Supervisors
FROM: Department: Mona Miyasato, County Executive Officer
Director
Contact Info: Barney Melekian, Assistant County Executive Officer
Kelly Hubbard, Director Office of Emergency Management
SUBJECT: Urgency Ordinance to Adopt Additional Remedies for Violations of County Health Officer Orders Pertaining to COVID-19

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Risk Management Concurrence

As to Form: N/A

Recommended Actions:

That the Board of Supervisors:

- a) Pursuant to Government Code sections 25123 and 25131 and California Governor Newsom's Executive Order N-33-20, adopt an Urgency Ordinance to amend County Code by adding Chapter 51 to adopt remedies for violations of Public Health Officer Orders pertaining to COVID-19, Coronavirus pandemic;
- b) Read the title and waive further reading of the Urgency Ordinance;
- c) Determine that adoption of the Urgency 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,
- d) Waive the Notice of Exemption 6-day posting requirement for good cause pursuant to County CEQA Guidelines section V.D.2.

Summary Text:

This Urgency Ordinance would provide peace officers and other public officers designated by the Director of Emergency Services with a tool to enforce County Health Officer Orders aimed at slowing the spread of COVID-19, coronavirus pandemic. It provides additional enforcement mechanisms to deter violations of County Health Orders, through either infraction citations or administrative fines.

The intent of the ordinance is to deal with those particularly egregious situations where education and persuasion is deemed ineffective in slowing the virus. It would adopt County Health Officer Orders as County law and provide that any violation of the Ordinance could result in either an infraction citation or an administrative fine. The fine would be one hundred dollars for a first violation, two hundred dollars for the second violation, and five hundred dollars for each additional violation within one year. The Urgency Ordinance would remain in effect until the Santa Barbara County local emergency proclamation is terminated, unless terminated earlier by the Board.

Background:

On March 4, 2020, Governor Gavin Newsom declared a State of Emergency in California due to the threat of COVID-19. On March 12, 2020, the Santa Barbara County Public Health Officer declared a public health emergency in Santa Barbara County and the County Director of Emergency Services proclaimed a local emergency due to COVID-19. On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing, with certain exceptions, that all individuals living in California stay at home or at their place of residence.

Santa Barbara County has been on the State's County Monitoring List since June 16, 2020 due to its high rate of positive cases, and case numbers in the County continue to climb. As a result, it is more important than ever to ensure all members of our community are taking steps to protect the health of those most vulnerable, the capacity of the health care system, and the economy.

To that end, on August 12, 2020, the County Health Officer extended a Health Officer Order (HOO 2020-12.5) that all gatherings are prohibited unless otherwise excepted and outlining closure of indoor operations. On July 23, 2020, the County Health Officer ordered (HOO 2020-10.1) that all people in the County must wear face coverings when in certain enumerated high-risk situations, unless an exception applies.

Most residents are complying with these orders. County employees, however, continue to receive complaints from members of the community about non-compliance. The violations most frequently identified are prohibited gatherings and failure to wear a face covering where appropriate, in spite of repeated requests to do so.

Enforcement of County Health Officer orders to date has been focused on education and voluntary compliance, with the issuance of an occasional misdemeanor criminal citation. The Urgency Ordinance would adopt County Health Officer Orders as County law and would supplement these enforcement efforts by making available the additional remedies of infractions and administrative fines. This ordinance will provide law enforcement officers and other specified public officers with additional tools short of a

criminal misdemeanor citation that will serve as an effective deterrent to violating County Health Officer Orders. It would also enhance enforcement by allowing other public officers to issue administrative fines.

Fiscal and Facilities Impacts:

No direct costs to the County are anticipated due to the adoption of this urgency ordinance.

Before the expiration of 15 days after passage of this Ordinance, a summary of it shall be published once together with the names of the members of the Board of Supervisors voting for and against the same in the *Santa Barbara News-Press*, a newspaper of general circulation published in the County of Santa Barbara in compliance with Government Code Section 25124.

Following Board approval, Clerk of the Board to please post the Notice of Exemption and forward a stamped copy to Bernard Melekian, ACEO

Request the Clerk of the Board to return a copy of the Ordinance and Minute Order to:
Bernard Melekian, ACEO

Attachments:

Attachment A: Urgency Ordinance

Attachment B: CEQA Notice of Exemption

Authored by: Bernard Melekian, Assistant County Executive Officer
Kelly Hubbard, Director, Office of Emergency Management