

From: [tony higgins](#)
To: [Eduardo Sarmiento](#)
Subject: Written communications - city Manager covid response
Date: Monday, May 24, 2021 5:16:05 PM

Mr. Sarmiento,

Could you please add this as a written communication for the next council meeting...

START

24 May 2021

Dear City Council,

It's time to call for the resignation of our City Manager, Suja Lowenthal.

Our City Manager undermined the LA County Covid Safety Orders during the peak of the pandemic by allowing restaurants owners to place their tables on public property immediately adjacent to their restaurants to circumvent LA Counties outdoor dining ban.

She did so against the advice of the cities own medical experts from Beach Cities Health district who repeatedly advised the that outdoor dining at that time was a bad idea. This is a matter of public record.

What message do you think you sent the public?

Our city manager and city council sent the message that it was OK to ignore medical experts and disregard State and County Covid safety orders.

Is that the kind of leadership Hermosa needs?

Let me remind you this was during the peak of the peak of the pandemic when people were dying at our local hospitals at record rates, when LA County was the epicenter of of the nations Covid crisis and our local healthcare workers were pleading for community support in following the Covid safety protocols. And this was not the only failure. Ms. Lowenthal continues to gaslight the public about the cities Covid response.

In the Hermosa Shines Plan in her page 1 introduction she says:

The health crisis caused many economic and social shocks -- and many times these were not in our control."

"But where we could respond, we did."

Attachment A. below offers a different perspective.

Council Members, there are some lines you cannot cross and remain in public service.

Subverting LA County Covid safety protocols during the peak of a pandemic is one of those lines.

If our City Manager won't resign over this reckless endangerment and breach of public trust, then the city council must ask for her resignation without any further delay.

And if the city council won't ask for Ms. Lowenthal's resignation, one would have to ask is the city council capable of performing their oversight role on behalf of vulnerable populations, vulnerable neighborhoods and the general public.

Anthony Higgins

ATTACHMENT A.

OPEN LETTER TO HB CITY COUNCIL

April 20, 2021

To: City Council
City Manager Suja Lowenthal
City Attorney Michael Jenkins
HB Police Chief Paul LeBaron

Subject: Hermosa Beach Covid Response

In the HB City Council candidate forum on March 26th the Easyreader moderator asked:

Face masks, agree required with enforcement?

<https://easyreadernews.com/hermosa-beach-city-council-election-forum-five-candidates-14-questions/?fbclid=IwAR1sjF7CUPf5Q4WaRKFiX8miMSSjOZPYclVZ3PiHINWljyQAbe6WDI8Fsc>

This question belies a much larger question that none of the candidates spoke to: *did city officials undermine county health orders meant to protect vulnerable populations & the general public AND if so should they be called to account and to what end?*

Three examples point to a pattern of city behavior that if true can and should not be

ignored.

During the 3rd wave of the pandemic (Nov-Jan), while our local hospitals were overwhelmed, when doctors & nurses were pleading for community help and vulnerable populations were dying at record rates, the HB the City Manager Suja Lowenthal, the City Attorney Michael Jenkins and the Police Chief Paul LeBaron ignored county health orders and allocated public space for restaurant-owned tables, to undermine and bypass the LA County outdoor dining ban.

These officials knew this would lead to face to face multihousehold dining and that knew it was violation of county health orders.

The city councils own health experts (BCHD) advised against outdoor dining in 2 city council meetings but the HB council ignored their advice and allowed this thinly veiled subversion, putting at risk populations in danger.

To add insult to injury, the City Council allowed restaurant owners that knowingly participated in undermining the outdoor dining ban to qualify for a city lottery of ~\$135,000 in federal tax payor covid relief funds. This is not the kind of leadership Hermosa Beach deserves.

The rules were clear and contained in the health order, cities cannot weaken county health orders, they can only strengthen them if local conditions warrant. The city knowingly disregarded and undermined the county health order. There must be an accounting.

In the second example, the city allowed organized flag football at Valley Park nearly every weekend THROUGHOUT the peak of the pandemic.

On several occasions over the course of several weeks I emailed pictures of these regularly occurring flag football games at Valley Park to HB city officials. I even provide the times times the games seemed to be scheduled hoping they would do their duty and intercede; but the games still went on, week after week throughout the peak of the pandemic.

On one occasion captured by a HBPD police body cam video AND reviewed by Chief LeBaron, the officer tried to justify not enforcing the county ban on multihousehold sporting events and specifically flag football. Anyone can see in flag football there is considerable face to face contact, blocking, physical contact, players sprinting down the field and then huddling tightly together; breathing heavily.

How can that not be risky.

But apparently our police department thought it was just fine. Think about it, how can

you maintain 6 ft distance and pull a players flag unless you are an orangoutang?

Third, the city of Hermosa entered into a contract with a third party to enforce the emergency health order (aka mask mandate) passed in July of 2020.

In justifying the expenditure city officials implied their sworn officers and community service officers simply did not have the time to enforce a mask mandate to protect Hermosa's Covid vulnerable populations; basically saying they didn't have the resources.

Well no business or government entity ever has the resources it needs to do everything it wants. Management is about prioritization and clearly identifying what won't get done if a new task (e.g. mask enforcement) is undertaken using existing resources. This used to be called an impact analysis and is just management 101.

But our city manager didn't think this impact analysis was needed or if it was done it wasn't shared with the public. Worse yet, our city council didn't have the common sense to demand it before opening the taxpayer checkbook.

Now here is the rub, while the city claimed Valley Park was patrolled by green-vested Covid safety officers on at least 20 occasions between Nov-mid Feb and claimed that hundreds of people were verbally warned to mask-up at Valley Park NOT A SINGLE WRITTEN WARNING OR CITATION WAS EVER ISSUED at the park per a HB public records search.

Also, anyone that regularly frequented the park between August & December knows the mask ordinance was largely being ignored except by vulnerable seniors. So if the city was serious about enforcement why, in the face of rampant mask non-compliance and frequent multihousehold gatherings and regularly scheduled sporting events did these contracted Covid safety officers fail to issue a single written warning or citation at Valley Park?

Remember, this happened at the peak of the pandemic, when LA County was the epicenter of the Covid crisis, when doctors and nurses were pleading for community support.

There are many other examples I could cite from beach volleyball that was explicitly prohibited by the county order to the crowds these volleyball games attracted to city sponsored daycare where the city maintained masks were being worn as required by county safety orders and were not, to the simple fact that on the beach, during the peak of the pandemic virtually no one wore a mask. This continues to this day.

If the city were to respond they would probably say there was nothing they could do. That would be a lie.

On many occasions I recommended the city take some kind of action including using short term closures of the beach, strand and parks to send the message that mask scofflaws would not be tolerated.

The city could have issued written warnings at our parks so repeat offenders could be tracked and citations issued.

They could have put an end to the regularly scheduled flag football games and other large regularly scheduled FOR-PROFIT activities that were happening every weekday afternoon during the peak of the pandemic. I sent pictures of this too

The city could have removed the volleyball nets since the county order specifically excluded volleyball for good reason; heavy exertion and face to face contact at the net. Most of the nets were allowed to remain up throughout the peak of the pandemic despite the ongoing violations.

And certainly no one forced the city officials to allocate public space so that restaurant owners could subvert the county outdoor dining ban.

According to a Brookings Institute study published this March, ~ 400,000 died unnecessarily and many more suffered debilitating long term consequences from Covid.

<https://www.google.com/amp/s/mobile.reuters.com/article/amp/idUSKBN2BH1DK>

Look, there is a chance still more deadly antibody resistant variants will spring up and reinfect vulnerable populations.

There is a chance that new variants could evolve to attack children. We need to be prepared for this.

County safety protocols need to work and the city needs to do the work to make sure that can happen if things go bad again.

And if you think I'm angry, think about how our local health care workers and family members of those that died must feel. Betrayal might just about cover it.

So now the question that remains is will anyone on the city council or any of the the city council candidates step up and ask for an investigation.

There must be reckoning before there can be a reconciliation.

But this is complicated.

An honest investigation is required, mistakes must be acknowledged and improvements made.

Covid is not over and just like the 100 year storms that seem to be happening every few years nowadays, a doubling of the worlds population by 2050 can only lead to more frequent pandemics.

But I also believe that some of the city officials that made poor decisions during the pandemic are honorable people that put themselves on the line and served, and have done a lot of good for the community.

That cannot be forgotten either.

But I also believe the cities actions described above constitute culpable negligence for which city officials should NOT have qualified immunity,

But LIKE the police officers in the George Floyd murder, there will not be accountability unless the community demands it.

Anthony Higgins.