



## Legislation Details (With Text)

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**File created:** 5/6/2021 **In control:** City Council  
**On agenda:** 5/13/2021 **Final action:**  
**Title:** CONSIDERATION OF CONFIRMING CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2021-13 RELATED TO THE USE OF FACE COVERINGS, 2021-14 TO REOPEN CITY FACILITIES, AND 2021-15 TO PROVIDE RELIEF TO LOCAL BUSINESS ASSOCIATED WITH THE PAYMENT OF CITY BUSINESS TAXES  
(City Attorney Michael Jenkins)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. Executive Order 2021-13, 2. 2. Executive Order 2021-14, 3. 3. Executive Order 2021-15, 4. SUPPLEMENTAL attachment Hermosa Beach Table of COVID-19 Related Leg (Submitted 5-7-21 at 2:54 p.m.pdf)

Date	Ver.	Action By	Action	Result
5/13/2021	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council  
Regular Meeting of May 13, 2021**

**CONSIDERATION OF CONFIRMING CITY MANAGER/DIRECTOR  
OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2021-13  
RELATED TO THE USE OF FACE COVERINGS, 2021-14 TO  
REOPEN CITY FACILITIES, AND 2021-15 TO PROVIDE RELIEF  
TO LOCAL BUSINESS ASSOCIATED WITH THE PAYMENT  
OF CITY BUSINESS TAXES  
(City Attorney Michael Jenkins)**

**Recommended Action:**

Staff recommends City Council confirm:

1. City Manager/Director of Emergency Services Order No. 2021-13, to terminate and superseded regulations requiring members of the public to wear face coverings to align with the regulations issued by the Los Angeles County Public Health Department (Attachment 1);
2. City Manager/Director of Emergency Services Order No. 2021-14, to reopen City facilities to members of the public (Attachment 2); and
3. City Manager/Director of Emergency Services Order No. 2021-15, to provide relief to local businesses associated with the payment of City business taxes (Attachment 3).

### **Executive Summary:**

The COVID-19 pandemic is an unprecedented event. Following the City's declaration of a local emergency in response to the disease, and pursuant to its police powers and powers afforded to it in time of national, state, county and local emergency, the City has adopted several emergency regulations to protect the peace, health, and safety of the public and to protect life and property as affected by the emergency.

Fortunately, recent public health data demonstrates that COVID-19 cases, hospitalizations, and deaths have substantially declined. Further, vaccines proven to help combat the disease are being made available to the public in phases. In light of the foregoing, the State and County have loosened their COVID-19 related restrictions to allow more activities to resume and businesses to reopen under modified requirements.

The intent of Executive Orders Nos. 2021-13, 2021-14, and 2021-15 is to align the City with the State and County's evolving response to the COVID-19 pandemic, to rescind and supersede emergency regulations that are no longer necessary, or add value and to provide much-needed financial relief to local businesses that are still struggling to financially recover.

### **Background:**

#### **Updated Regulations Regarding the Use of Face Coverings-Executive Order No. 2021-13**

In response to the County Health Officer orders that have progressively allowed outdoor recreation activities to resume and businesses to reopen, the City Manager/Director of Emergency Services issued several executive orders to allow residents to safely engage in these activities subject to restrictions intended to curb the spread of COVID-19. For example, Executive Order No. 2020-03 reopened public beaches within the City, but required beachgoers to wear face coverings when out of the water and around others. Similarly, Executive Order No. 2020-06 reopened the City Pier subject to modified hours, and required members of the public to wear a face covering. Leading health experts have recognized that face coverings are one of the most effective tools to prevent the spread of COVID-19.

On July 2020, the City adopted Urgency Ordinance No. 20-1415U that, among other emergency measures, required members of the public to wear face covering both over the nose and mouth whenever they left their place of residence, with limited exceptions.

Executive Order Nos. 2020-03, 2020-06 and Urgency Ordinance No. 20-1415U contain the City's existing face covering regulations, which collectively shall be referred to as the "City Restrictions" for purposes of Order No. 2021-13.

On April 27, 2021, the Centers for Disease Control ("CDC") released updated guidance regarding the use of face coverings. The updated guidance provides different recommendations for "Unvaccinated" people-defined by the CDC as those who have yet to receive both doses of the Pfizer or Moderna

vaccine or the single dose Johnson & Johnson vaccine and “Fully Vaccinated” people-defined by the CDC as those who have received both doses of the Pfizer or Moderna vaccine or the single dose of Johnson & Johnson vaccine. Both groups, Unvaccinated and Fully Vaccinated, are advised to continue wearing face coverings at crowded outdoor events and in indoor public places, but may choose to not wear a face covering while engaging in outdoor activities and gatherings with Fully Vaccinated persons. Unvaccinated people are still advised to wear a mask when attending outdoor gatherings with Fully Vaccinated and Unvaccinated people and while dining at outdoor restaurants with friends from multiple households.

The California Department of Public Health reports that cases continue to decline and more than half of persons in the state aged 16 and up have at least one dose of a COVID-19 vaccine. However, the disease can still spread rapidly through person-to-person contact and among those in close proximity to one another. Additionally, more contagious variants are present in the County. Such precautions as face masks and social distancing are thus still very important for curbing the virus’s spread.

In alignment with the CDC’s April 27, 2021 recommendations, the County Health Officer issued a revised order, effective April 30, 2021, which relaxed its face covering requirements depending on a person’s status as Fully Vaccinated (“County Health Order”). Subject to exceptions, the County Health Order allows Fully Vaccinated people to gather or conduct activities outdoors without wearing a mask when alone, when with members of their household, and when with a small group of people who are not Fully Vaccinated and not at high risk for severe illness or death from COVID-19. Fully Vaccinated people must still wear masks at (i) crowded outdoor events; (ii) in crowded spaces where physical distance is not feasible and it is not known if everyone in the space is Fully Vaccinated; (iii) in indoor public settings unless expressly permitted by the County Health Order; (iv) at worksites and businesses; and (v) in any setting where masking is required by the facility operator or business or by the County Health Order or its protocols. Fully Vaccinated people must continue to maintain a distance of six feet from others when leaving one’s place of residence.

On April 30, 2021,-the City Manager/Director of Emergency Services issued Executive Order No. 2021-13 to adopt the face covering regulations set forth in the County Health Order, as they may be amended from time to time, and terminate and/or supersede any conflicting provisions in the City Restrictions.

#### *Reopening City Facilities-Executive Order No. 2021-14*

The spread of COVID-19 is an unprecedented event that has required the City to act swiftly to protect the health and well-being of City residents. In order to prevent the community transfer of the disease and in response to State and County Health Officer orders, the City Manager/Director of Emergency Services issued several executive orders. The very first order, Executive Order No. 2020-01, required (among other things) the closure of City Hall and City facilities. Executive Order 2020-01 was confirmed by the City Council on April 28, 2020.

Since then the State and County's response to COVID-19 has evolved in response to the prevalence of COVID-19 in its jurisdiction. Recent data demonstrates that cases continue to decline and more than half of persons in the state aged 16 and up have at least one dose of a COVID-19 vaccine.

Executive Order No. 2021-14 was issued by the City Manager/Director of Emergency Services on May 7, 2021 to reopen the following City facilities to members of the public: City Hall which houses the City Manager, City Clerk, Finance Administration and Cashiers, Community Development, Code Enforcement, Building Inspection, Public Works Administration, Human Resources Department and the City's Community Center as of the dates specified in Order No. 2021-14. The aforementioned City facilities shall reopen to members of the public by appointment only subject to the occupancy limits and other requirements set forth in "Appendix D: Office Based Protocols" of the Los Angeles County Health Officer's Order ("County Health Officer Order"), as the County Health Officer Order and Appendix D may be updated from time to time.

This Order was issued to balance the ability to continue safe and efficient government operations during the global health pandemic. As State and County health orders evolve, the City's response should also evolve, and emergency orders may be rescinded when they are no longer needed in response to the pandemic.

#### *Deferral of City Business Taxes and Eligibility for Tax Credit or Refund-Executive Order No. 2021-15*

As a result of state and county stay-at-home orders enacted to curb the spread of COVID-19, some local businesses have completely ceased all business operations since March 16, 2020, when these orders were first issued. These businesses have suffered a significant loss of revenue and many may not be able to fully recover. As a result, the City Manager/Director of Emergency Services issued Executive Order No. 2020-12 to defer payment of City businesses taxes for businesses that completely ceased their operations from March 16, 2020, to March 31, 2020, as a result of the COVID-19 pandemic.

Although, a growing number of businesses are progressively reopening, businesses are still struggling to financially recover from the forced business closures and modified business operations adopted to mitigate the spread of COVID-19.

Executive Order No. 2021-15 was issued on May 7, 2021 to rescind and supersede Executive Order No. 2020-12 to defer payment of City businesses taxes due and payable on and after March 31, 2020, and interest and penalties waived for any business that ceased all business operations since March 16, 2020, due to the pandemic, and has been entirely closed and remains closed as due to the COVID-19 pandemic. A business eligible for this deferment and that does not reopen is entitled to and may apply to the City for a pro rata refund of the tax for the period during which the tax was paid and the business was closed. An eligible business that remains closed is entitled to and may apply to the City for a business tax credit that shall be prorated based on the number of months during which the tax was paid and the business was closed as a result of the COVID-19 pandemic. The Order also

expands the applicability of the business tax relief measures from those businesses who paid their tax after March 30, 2020, to those who paid their tax before March 30, 2020, and that completely ceased all business operations after March 16, 2020, a period that was covered by the tax.

Deferring the payment of City business taxes and waiving all interest and penalties, and allowing for businesses to apply for a tax credit or refund for periods of closure as a result of the COVID-19 pandemic, would provide much needed financial relief to local businesses that meet the requirements of this Order.

The provisions of Executive Order Nos. 2021-13, 2021-14, and 2021-15 shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. These Orders may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

**Fiscal Impact:**

The City of Hermosa Beach initially incurs all costs related to the City's response to the COVID-19 Pandemic, but will submit requests for cost recovery to the California Office of Emergency Services (CalOES) for Federal Emergency Management Agency (FEMA) reimbursement.

**Attachments:**

1. City Manager/Director of Emergency Services Order No. 2021-13, to terminate and superseded regulations requiring members of the public to wear face coverings to align with the regulations issued by the Los Angeles County Public Health Department.
2. City Manager/Director of Emergency Services Order No. 2021-14, to reopen City facilities to members of the public.
3. City Manager/Director of Emergency Services Order No. 2021-15, to provide relief to local businesses associated with the payment of City business taxes.

**Respectfully Submitted by:** Michael Jenkins, City Attorney

**Legal Review:** Michael Jenkins, City Attorney

**Approved:** Suja Lowenthal, City Manager