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FIRST REVISED TWENTIETH SUPPLEMENT TO THE EXECUTIVE ORDER OF THE DIRECTOR OF EMERGENCY SERVICES DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

WHEREAS international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2,” and the disease it causes has been named “coronavirus disease 2019,” abbreviated COVID-19, (“COVID-19”); and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Department of Public Health declared a local emergency and local public health emergency to aid the regional healthcare and governmental community in responding to COVID-19; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the State prepare for broader spread of COVID-19; and

WHEREAS, on March 12, 2020, in response to social distancing guidance issued by the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health, the City of Santa Monica (“the City”) cancelled all social gatherings (events, activities, programs, and gatherings) in City facilities that were scheduled to occur through permit or license between March 12, 2020, and March 31, 2020, absent a persuasive showing by the permittee or licensee that the gathering could take place in accordance with the guidance and directives of public health authorities; and

WHEREAS, on March 12, 2020, in response to social distancing guidance issued by the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health, and to protect the health and safety of the City workforce, the City announced that Santa Monica City Hall would be closed to the public and open only to City employees from March 16, 2020, to March 31, 2020; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, on March 13, 2020, the City Manager, in his role as the Director of Emergency Services, (“Director of Emergency Services”) proclaimed the existence of a local emergency pursuant to Chapter 2.16 of the Santa Monica Municipal Code to ensure the availability of mutual aid and an effective the City’s response to the novel coronavirus (“COVID-19”) and this local emergency was restated on March 14, 2020, through a revised declaration of local emergency to ensure compliance with all digital signature requirements; and

WHEREAS, on March 14, 2020, the Director of Emergency Services issued a first supplemental emergency order placing a temporary moratorium on evictions for non-payment of rent and temporarily suspending (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills; (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills; and (c) the imposition of late payment penalties or fees for parking violations; and

WHEREAS, on March 15, 2020, the Director of Emergency Services issued a second supplemental emergency order temporarily closing the Santa Monica Pier to the general public; and

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued a Health Officer Order for the Control of COVID-19 temporarily prohibiting group events of 50 or more people, requiring certain social distancing measures, and ordering the closure of certain businesses; and

WHEREAS, on March 16, 2020, the Director of Emergency Services issued a third supplemental emergency order that ordered the temporary closure of bars and nightclubs that do not serve food, movie theaters and entertainment venues, bowling alleys and arcades, gyms and fitness centers, and non-medical physical health and beauty businesses; and temporarily prohibited restaurants, bars, and retail food facilities from serving food on-premises; and

WHEREAS, on March 16, 2020, the Governor of the State of California issued Executive Order N-28-20, suspending any and all provisions of state law that would preempt or otherwise restrict a local government’s exercise of its police powers to impose substantive limitations on residential and commercial evictions with respect to COVID19-related rent payment issues; and

WHEREAS, on March 17, 2020, the Director of Emergency Services issued a Revised Fourth Supplement to the Executive Order to permit public safety facilities, hospitals, clinics, and emergency shelters in all zoning districts and allow the Director of the Department of Planning and Community Development or designee to waive development standards, design review, parking and access requirements, and sign standards related to such uses; to permit limited service and take-out restaurant uses in any zoning district that allows full-service restaurants; to allow drive-through facilities for clinics, convenience markets, farmers markets, general markets, hospitals, pharmacies, and restaurants; to suspend planning deadlines and automatic approvals; to extend interim zoning ordinances now in effect; to direct that street sweeping not be conducted unless essential for public health and safety and suspend parking citations related thereto; to suspend preferential parking rules; to suspend certain regulations relating to the operation of oversize vehicles; and to suspend Breeze bike share fees; and

WHEREAS, on March 17, 2020, the Governor of the State of California issued Executive Order N-29-20 which, among other things, amended Paragraph 11 of earlier Executive Order N-25-20 to suspend and waive certain provisions of state and local law, including but not limited to those provisions in the Bagley-Keene Act and the Brown Act related to the notice and accessibility requirements for the conduct of public meetings where the physical presence of public attendees or members of the public body seeking to meet are impliedly or expressly required; and

WHEREAS, on March 18, 2020, the Director of Emergency Services issued a Revised First Supplement to the Executive Order of the Director of Emergency Services implementing eviction protections for residential and commercial tenants and suspending removals of rental property from the market under the Ellis Act; and

WHEREAS, on March 18, 2020, the Director of Emergency Services issued a Revised Fifth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency implementing a rear-door boarding policy for all Big Blue Bus (BBB) customers, with the exception of Americans with Disabilities Act customers traveling in mobility devices; suspending all passenger fares on the BBB; suspending discontinuation or shut-off of water services for residents and businesses based on non-payment of water or sewer bills; suspending late payment penalties for (a) water and/or sewer bills; (b) parking citations; (c) refuse and recycling collection bills; (d) Certified Unified Program Agency (CUPA) charges; (e) Fire Prevention inspection charges; (f) Transient Occupancy Taxes; (g) Utility Users Taxes; and (h) Parking Facility Taxes; suspending parking restrictions and limitations in many City parking lots, parking zones, and parking spaces; and suspending penalty assessments related to business licenses and business improvement district assessments; and

WHEREAS, on March 19, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Revised First, Second, Third, Revised Fourth, and Revised Fifth Supplements thereto, and resolved that the proclamation and the aforementioned Supplements shall be operative and in effect through April 30, 2020; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20 directing all residents of the State of California to heed directives issued by the State Health Officer on the same date instructing all Californians to stay home except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 19, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, Order, closing all nonessential businesses, and limiting gatherings to 9 people or less; and

WHEREAS, on March 20, 2020, the Director of Emergency Services issued a Sixth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency suspending labor negotiations through April 30, 2020, so that the City may assess the financial impacts of COVID-19 prior to engaging in collective

bargaining, and suspending various human resources processes in order to decrease in-person meetings and enable effective emergency response, including suspending requirements associated with the administration of competitive examinations and the appointment of individuals from eligibility lists; suspending certain requirements and minimum qualifications associated with the appointment of temporary, limited-term, and as-needed employees; and modifying the Municipal Code to state that certain additional appointments will be subject to a probationary period; and

WHEREAS, on March 21, 2020, the Director of Emergency Services issued a Seventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency aligning the Santa Monica Municipal Code with a California Department of Alcoholic Beverage Control (“ABC”) “Notice of Regulatory Relief” permitting restaurants and retailers holding valid ABC licenses to sell alcoholic beverages for off-site consumption via delivery and take-out; and

WHEREAS, on March 21, 2020, the Los Angeles County Department of Public Health issued an enhanced Health Officer Order, the Safer at Home Order for Control of COVID-19, amending and superseding its March 16, 2020, and March 19, 2020 Orders, closing all nonessential businesses and prohibiting gatherings of non-household members; and

WHEREAS, on March 22, 2020, the Director of Emergency Services issued an Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency adopting as rules and regulations of the City of Santa Monica the Executive Order N-33-20, issued by the Governor of the State of California on March 19, 2020 (the “Governor’s Stay at Home Order”) and the Safer at Home Order for Control of COVID-19, issued by the Los Angeles County Department of Public Health on March 21, 2020 (the “County Department of Public Health’s Safer at Home Order”), including any later amendments or successors thereto, the stricter of which shall apply if there is any conflict between the Governor’s Stay at Home Order and the County Department of Public Health’s Safer at Home Order; and authorizing the City to issue administrative citations to enforce this and the previously issued supplements to its emergency declaration; and

WHEREAS, on March 27, 2020, the Governor of the State of California issued Executive Order N-37-20, building on Executive Order N-28-20 by extending the time for a tenant to respond to a summons and prohibiting the enforcement of a writ for tenants unable to pay due to reasons related to COVID-19; and

WHEREAS, on March 27, 2020, the Los Angeles County Department of Public Health issued an Addendum to the County Department of Public Health’s Safer at Home Order closing all public trails and trailheads, as well as all public beaches, piers, public beach parking lots, beach bike path that traverse that sanded portion of the beach, and beach access points; and

WHEREAS, on March 27, 2020, the Director of Emergency Services issued a Ninth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency closing certain City facilities, waiving late payment fees for City leases and licenses during the effective period of the order, suspending rent payments for

City tenants on the Santa Monica Pier for the month of April, suspending outdoor dining licenses and outdoor dining license payments for City licensees for the month of April, granting the Director of the Department of Housing and Community Development discretion to suspend additional rent or license payments for the month of April for City tenants and licensees whose operations have been closed pursuant to emergency orders issued by the City, the County of Los Angeles Department of Public Health, or the Governor of California, authorizing the City to delay responses and productions of records in response to public record requests under specified circumstances, and extending by one month Santa Monica Fire Department annual permits of operation set to expire on May 1, 2020; and

WHEREAS, on March 31, 2020, the Los Angeles County Department of Public Health issued Addendum No. 2 to the County Department of Public Health's Safer at Home Order clarifying that all government employees are essential workers during the pandemic; and

WHEREAS, on April 1, 2020, the Director of Emergency Services issued a Tenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency imposing requirements specific to construction sites and projects to ensure their compliance with the social distancing and hygiene directives imposed by the County Department of Public Health's Safer at Home Order; and

WHEREAS, on April 6, 2020, the Judicial Council of the State of California adopted an emergency court rule that effectively delays all evictions, other than those necessary to protect public health and safety, for the duration of the COVID-19 emergency; the rule is applicable to all courts and to all eviction cases, whether they are based on a tenant's missed rent payment or another reason; among other things, the rule temporarily prohibits a court from issuing a summons after a landlord files an eviction case, unless necessary to protect public health and safety; as a result, even if a landlord files an eviction case, he or she will not have a summons to serve on the tenant until 90 days after the emergency passes; and

WHEREAS, on April 6, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, and Tenth Supplements thereto, and resolved that the proclamation and the aforementioned Supplements shall be operative and in effect through April 30, 2020; and

WHEREAS, on April 8, 2020, the Director of Emergency Services issued a Second Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency enhancing eviction protections to require landlords to provide notice of local eviction protections to tenants, prohibiting no-fault residential evictions, prohibiting certain evictions based on a tenant's refusal of landlord entry into a residential unit, prohibiting certain evictions of residential tenants based on the presence of unauthorized pets or occupants, prohibiting use of the eviction process to seek rent delayed under the Supplement if the landlord has already obtained compensation for the delayed rent through governmental relief, and temporarily enhancing penalties under the City's Tenant Harassment Ordinance to \$15,000; and

WHEREAS, on April 8, 2020, the Director of Emergency Services issued an Eleventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency requiring workers and customers at covered businesses (including but not limited to grocery stores, farmers markets, restaurants, hardware stores, transportation providers, and plumbing and similar businesses) to wear face coverings; and

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health issued a revised Safer At Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, and 31 County Health Officer Orders and Addendums and continued to prohibit all indoor and outdoor public and private gatherings and events; require all businesses to cease in-person operations and remain closed to the public, unless defined as an Essential Business by the order; require the closure of all indoor malls and shopping centers, all swap meets and flea markets, indoor and outdoor playgrounds, public beaches, piers, public beach parking lots, beach access points, and public trails and trailheads; and prohibit in-person operations of all non-essential businesses; and

WHEREAS, on April 14, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Second Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, and Eleventh Supplements thereto, and resolved that the Second Revised First Supplement shall be operative and remain in effect through May 31, 2020, and that the other aforementioned Supplements shall be operative and in effect through May 15, 2020; and

WHEREAS, on April 22, 2020, the Governor of California issued Executive Order N-54-20, suspending Public Resources Code section 42283 for a period of 60 days to the extent that it prohibits retail establishments from (a) providing without charge reusable grocery bags or recycled paper bags to customers at point of sale or (b) where it is not possible to provide reusable grocery bags or recycled paper bags, providing single-use carryout bags to customers at point of sale; and

WHEREAS, on April 24, 2020, the Director of Emergency Services issued a Twelfth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency tolling deadlines for reviewing and acting on planning applications, exercising rights under planning entitlements, and expiration of building permits; permitting lodging establishments operating as hotels and motels under Santa Monica's zoning rules to allow stays of greater than 30 days, and waiving the City's rule precluding employees from accepting gifts of any sort to allow City first responders and disaster workers to take advantage of City-approved public or private discount, specials, and subsidies programs; and

WHEREAS, on April 30, 2020, the Director of Emergency Services issued a Third Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the eviction moratorium to June 30 and modifying it by limiting the commercial tenants subject to the protections of the order to exclude multinational companies, public companies, and companies with more than 500 employees; making clear that notice and documentation that indicates any loss of income or increase in expenses due to COVID-19 is sufficient to trigger the moratorium on eviction for non-payment of

rent due to financial impacts related to COVID-19, and that a statement written by the tenant in a single communication may constitute both notice and documentation; and extending the protection against eviction based on rent unpaid due to financial impacts related to COVID-19 from 6 to 12 months; in addition, the Third Revised First Supplement, in accordance with the Governor's Executive Order suspending state law provisions, suspends SMMC 5.45.020 and 5.45.030 to the extent they prohibit retail establishments from providing without charge reusable grocery bags or recycled paper bags or single-use plastic carryout bags to customers at point of sale and adds language to the City's Housing Trust Fund and Affirmative Housing Production Program Guidelines to extend eligibility to individuals who were working in Santa Monica prior to March 1, 2020, but lost employment due to COVID-19 related reasons; and

WHEREAS, on May 7, 2020, the California State Public Health Officer issued an order that stated that COVID-19 continues to present a significant risk to the health of individuals throughout California, but, consistent with Californians' mitigation efforts and other factors determined that the statewide data supported the gradual movement of the entire state from Stage 1 to Stage 2 of California's Pandemic Resilience Roadmap, while authorizing local health jurisdictions to implement or continue more restrictive public health measures if warranted; and

WHEREAS, on May 8, 2020, the Los Angeles County Department of Public Health issued Addendum No. 2 to the April 10 revised County Department of Health Safer at Home Order amending that order to permit, subject to specific conditions, the reopening of certain specified types of lower-risk retail business for sales and service transactions made via curbside pick-up or delivery only, and the reopening of all previously closed public trails and trailheads, public and private golf courses, and new and used auto sales dealerships and operations; and

WHEREAS, on May 8, 2020, the Director of Emergency Services issued a Fourth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency restating the eviction moratorium and modifying it to define a set of "non-retail commercial tenants" consisting of commercial tenants, other than non-profits, that are tenants in an office building, do not collect sales tax on greater than 50% of their revenue, and do not provide medical, dental, veterinary, fitness, educational, or child, marriage, family, mental health, or substance abuse counseling services; specify that, for non-retail commercial tenants, the protection against eviction will extend only for 30 days after the expiration of the Order; and specify that, with respect to rent unpaid due to financial impacts related to COVID-19, landlords may not charge residential tenants interest on that unpaid rent for a period of 12 months following the expiration of the Order, may not charge commercial tenants (other than non-retail commercial tenants) interest on that unpaid rent for a period of 90 days following the expiration of the Order, and may not charge non-retail commercial tenants interest on that unpaid rent during the duration of the Order; and

WHEREAS, on May 8, 2020, the Director of Emergency Services issued a Thirteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency incorporating the provisions of the Third Revised First Supplement that add language to the City's Housing Trust Fund and Affirmative Housing Production Program Guidelines to extend eligibility to individuals who were working in Santa Monica prior to March 1, 2020, but lost employment due to COVID-19 related reasons;

incorporating the provisions of the Third Revised First Supplement that, in accordance with the Governor's Executive Order suspending state law provisions, suspend SMMC 5.45.020 and 5.45.030 to the extent they prohibit retail establishments from providing without charge reusable grocery bags or recycled paper bags or single-use plastic carryout bags to customers at point of sale; further extending to July 1, 2020 the expiration of Fire Department annual permits of operation; and limiting to between the hours of 10:00 am and 3:00 pm on weekdays the conduct of certain loud construction activities, including cement cutting or grinding, sandblasting, and the use of pile drivers, jackhammers, or pavement breakers, at construction projects other than public works construction; and

WHEREAS, on May 12, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Third and Fourth Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First and Second through Thirteenth Supplements shall be operative and remain in effect through May 15, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on May 13, 2020, the Los Angeles County Department of Public Health issued a revised Safer At Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, 31, April 10, and May 3 and 8, 2020 County Health Officer Orders and Addendums; recognized that existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health; but took a limited and measured step to partially move the County into Stage 2 of its phased approach to reopening while keeping a low incidence of person-to-person contact and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events; continued to require the continued closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed two categories of lower-risk businesses to reopen subject to specified social distancing protocols, retailers not located within an indoor mall or shopping center and manufacturing and logistics sector businesses that supply lower-risk retail businesses; permitted the reopening of beaches, while retaining closures of beach parking lots, beach bike paths, and piers; and authorized local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; and

WHEREAS, on May 13, 2020, the City of Los Angeles issued a revised version of its safer at home order including requirements that all individuals engaging in outdoor activities, except for water activities, and all individuals engaging in essential activities whenever there is or can be contact with other who are non-household members in both public and private places, must wear a cloth face covering; and

WHEREAS, on May 14, 2020, the Director of Emergency Services issued a Fourteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the effective dates of the Fourth Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth supplements to June 30, 2020, or any later date expressly stated within the text of an individual supplement; and requiring all persons leaving their residences for the limited purposes allowed by the County Department of Public Health's Safer at Home Order to strictly comply with the social (physical) distancing requirements stated in that Order or County Department of Public Health guidance or protocols, including in particular the requirement that cloth face masks must be worn whenever there is or may be contact with others who are non-household members, including while engaging in permitted outdoor activities other than water activities; and

WHEREAS, on May 15, 2020, the Director of Emergency Services issued a Fifteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing enforcement of preferential parking rules to resume in Zone 3 only beginning May 22, 2020 and authorizing street sweeping to resume with individuals encouraged to comply with posted signs regarding parking prohibitions for street sweeping during the days and times indicated, but only during the first full week of each month, which is when the street sweeping will occur; and

WHEREAS, on May 19, 2020, the Director of Emergency Services issued a Sixteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing specified Boards, Commissions, and other appointed bodies to resume limited meetings, to be conducted remotely pending further order, for the purpose of exercising specified adjudicative and quasi-adjudicative duties assigned to them by the Charter and/or Municipal code and imposing, effective May 26, 2020, a 15% cap on delivery fees and a 5% cap on other fees charged to restaurants by third-party food delivery companies; and

WHEREAS, on May 22, 2020, the Los Angeles County Department of Public Health issued a revised Safer At Home Order for Control of COVID-19 that amended and superseded the earlier March 16, 19, 21, 27, 31, April 10, May 3, 8, and 13, 2020 County Health Officer Orders and Addendums; recognized that existing community transmission of COVID-19 in Los Angeles County continues to present a substantial and significant risk of harm to residents' health; but took a limited and measured step to partially move the County into Stage 2 of its phased approach to reopening while keeping a low incidence of person-to-person contact and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events; continued to require the continued closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed the conditional reopening of specific retail and other Lower-Risk businesses, including curbside, doorside, or other outdoor or outside pickup from retailers located within an indoor mall or shopping center and manufacturing and logistics sector businesses that supply lower-risk retail businesses; permitted the reopening of beaches, beach

parking lots, and beach bike paths, while maintaining the closure of public piers; continued to authorize local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; and authorized participation in Vehicle-Based Parades in compliance with all laws and a specified protocol; and

WHEREAS, on May 25, 2020, the California Department of Health, while recognizing that COVID-19 is still present in State communities and that physical distance, wearing face coverings in public, and washing hands frequently are more important than ever, announced the statewide opening of in-store retail shopping, under previously issued guidance and subject to approval by county public health departments, and issued guidelines for in-person protests and events designed for political expression; and

WHEREAS, on May 26, 2020, the Los Angeles County Department of Public Health issued a revised Safer At Home Order for Control of COVID-19 that superseded all prior Safer At Home Orders; while recognizing that existing community transmission of COVID-19 in the County continues to present a substantial and significant risk of harm to residents' health, in light of the progress achieved in slowing the spread of COVID-19 in the County, aligned the County with State Executive Orders and State Health Officer Orders that support phased reopening in accordance with the California Pandemic Resilience Roadmap's four stage framework, while maintaining the goals of limiting close contacts with others outside of residents' households in both indoor and outdoor spaces and ensuring continued social distancing and adherence to other infection control procedures – accordingly, the order continued to prohibit indoor and outdoor public and private gatherings and events except for the limited purposes expressly permitted by the Order; continued to require compliance with social (physical) distancing requirements including wearing a cloth face covering whenever there is or can be contact with others who are non-household members in both public and private spaces; continued to require the closure of higher-risk businesses, recreational sites, commercial properties, and activities, where more frequent and prolonged person-to-person contacts are likely to occur; continued to allow Essential Businesses to operate subject to social distancing requirements; allowed the conditional reopening of four categories of Lower-Risk businesses – lower-risk retail businesses that may now reopen for in-store shopping so long as capacity is kept under 50%, manufacturing and logistics sector businesses that supply lower-risk retail businesses, non-essential office-based businesses (while continuing to strongly encourage telework), and indoor malls and shopping centers; continued to permit the reopening of beaches, beach parking lots, and beach bike paths, while maintaining the closure of public piers; continued to authorize local public entities to temporarily close certain streets or areas to automobile traffic to allow for increased space for persons to engage in recreational activity in compliance with social (physical) distancing requirements; continued to authorize participation in Vehicle-Based Parades in compliance with all laws and a specified protocol; permitted in-person attendance at faith-based services, provided that the gathering of congregants is limited to the lower of 25% of the total maximum building occupancy or a maximum of 100; and permitted participating in in-person protests subject to the same attendance limits and maintenance of physical distancing; and

WHEREAS, on May 26, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fourth Revised First, Second, Third, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, and Sixteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First and Second through Sixteenth Supplements shall be operative and remain in effect through June 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on May 29, 2020, the State Public Health Officer approved the request of Los Angeles County to reopen restaurants for sit-down, dine-in meals; and

WHEREAS, on May 29, 2020, the Los Angeles County Department of Public Health issued a revised Safer At Home order that superseded all prior Safer At Home Orders and was essentially equivalent to the May 26 Safer At Home Order with the exceptions that it: added hair salons and barbershops as a fifth category of Lower-Risk businesses allowed to reopen subject to specified conditions; and permitted restaurants and other food facilities that provide sit-down, dine-in meals to reopen subject to specified conditions, including a limitation to 60% occupancy; and

WHEREAS, on May 29, 2020, the Director of Emergency Services issued a Seventeenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency superseding and replacing the Third Supplement to specify that closures and re-openings of businesses within Santa Monica shall be in accordance with State and County orders, with those imposing stricter regulations controlling in the event of conflict, and continuing to exempt trucks and other vehicles that deliver grocery items to grocery stores from limitations on delivery hours; and

WHEREAS, on May 29, 2020, the Director of Emergency Services issued an Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency authorizing temporary outdoor dining extensions to adjacent sidewalk and/or adjacent parking, courtyard, or other private open space owned by the restaurant, for restaurants that open for in-house dining pursuant to the safety protocols required by the County safer at home order; superseding and replacing Section 5 of the Revised Fourth Supplement and Sections 1 through 3 of the Twelfth Supplement to extend for two years the deadlines for planning, review, and permit-related actions; and superseding and replacing Sections 3 through 6 of the Ninth Supplement to waive and suspend late payment fees, rent payments by City tenants on the Santa Monica pier, and outdoor dining license payments for the months of April, May, and June 2020, and authorize the implementation of a rent deferral program for City commercial tenants whose operations have been closed or significantly restricted by COVID-19 emergency orders; and

WHEREAS, on June 5, 2020, the Director of Emergency Services issued a First Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency extending the authorization for temporary outdoor dining in the Eighteenth Supplement to adjacent private spaces not owned by restaurant with the consent

of the owner and to sidewalks in front of adjacent buildings with the consent of the owner and authorizing the Finance Director to extend the delinquency date for business license renewal fees by two months (from September 1 to November 1) for businesses whose ability to pay has been affected by economic impacts related to COVID-19 or the civil unrest; and

WHEREAS, on June 9, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fourth Revised First, Second, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First, Second, and Revised Fourth through Eighteenth Supplements shall be operative and remain in effect through June 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on June 11, 2020, the Los Angeles County Department of Public Health issued a Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer At Home Orders and was essentially equivalent to the May 29 Safer At Home Order with the exception that it permitted outdoor activity to resume at piers and the following business and activities to reopen no earlier than June 12, 2020 subject to conditions and protocols as stated in the Safer At Home Order: music film and television production; day camps; fitness facilities; museums; professional sports without audiences; campgrounds, RV Parks, and associated outdoor activities; swimming pools and splash pads; for-hire fishing, guided fishing, or chartered boat trips; and hotels, motels, shared rental units and similar facilities for tourism travel; and

WHEREAS, on June 17, 2020, the Director of Emergency Services issued a Fifth Revised First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that: for residential tenants, restated the existing temporary eviction moratorium and extended the period for which unpaid rent will be subject to that eviction moratorium to July 31, 2020; and, for commercial tenants, substantially modified the temporary eviction moratorium, defining three different categories of commercial tenants, each of which receives varying protections, and encouraging landlords and commercial tenants to negotiate modifications to rental agreements and payment plans to accommodate changed economic circumstances of commercial landlords and tenants arising from the financial impacts of COVID-19; and

WHEREAS, on June 18, 2020, the California Department of Public Health issued Guidance for the Use of Face Coverings mandating the use of cloth face coverings by the general public under specified circumstances when outside the home including when inside of, or in line to enter, any indoor space and while outdoors in public spaces when maintaining a physical distance of 6 feet from persons who are not members of the same household or residence is not feasible; and

WHEREAS, on June 18, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer At Home Orders and was essentially equivalent to the June 11 Safer At Home Order with the exception that it clarified the requirements that individuals leaving their residences must wear face coverings when they are or can be in contact with or walking past others outside of their household and permitted the reopening of the following business and activities no earlier than June 19, 2020 subject to conditions and protocols as stated in the Safer At Home Order: cardrooms, satellite wagering facilities and racetracks with no spectators; personal care services; and bars, wineries, breweries and tasting rooms; and

WHEREAS, on June 22, 2020, the Governor of the State of California issued Executive Order N-70-20 which extended for an additional 60 days the tenth and eleventh paragraphs of Executive Order N-54-20, implementing a waiver that allows retailers to temporarily pause in-store redemption of beverage containers and temporarily suspending the requirement for recycling centers to hold a minimum hours of operation, but did not similarly extend the twelfth paragraph of Executive Order N-54-20, which had suspended Public Resources Code section 42283’s prohibitions relating to retail establishments providing bags to customers at point of sale; and

WHEREAS, on June 23, 2020, the City Council ratified the proclamation of local emergency made by the Director of Emergency Services, as well as the Fifth Revised First, Second, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and First Revised Eighteenth Supplements thereto; resolved that the local emergency shall be deemed to continue and exist until its termination is proclaimed by the City Council; and resolved that the Fourth Revised First, Second, and Revised Fourth through First Revised Eighteenth Supplements shall be operative and remain in effect through June 30, 2020, or any later date expressly stated within the text of an individual supplement; and

WHEREAS, on June 23, 2020, the Los Angeles County Department of Consumer and Business Affairs issued Revised Guidelines to Aid in the Implementation of the Los Angeles County Eviction Moratorium During the COVID-10 Pandemic that, in accordance with orders issued by the Los Angeles County Board of Supervisors, recognized the extension of the County’s eviction through July 31, 2020, but, effective June 1, 2020, excluded from application of the moratorium commercial tenancies where the tenant has more than 100 employees and commercial tenancies where the tenant is a multinational company or a publicly traded company; and

WHEREAS, on June 23, 2020, the Director of Emergency Services issued a Second Revised Eighteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that modified the First Revised Eighteenth Supplement to: supersede and replace the Second Supplement that closed the Pier, permitting the Pier to begin a phased reopening subject to conditions to ensure social distancing as of June 24, 2020; extend the suspension of outdoor dining license payments for City licensees through August 2020; extend the deadline for applications for extensions of the delinquency date for

business license renewals to August 31, 2020; extend the authorization for temporary dining to adjacent private spaces not owned by the restaurant and to sidewalks in front of adjacent buildings with the consent of either the owner or tenant; extend the authorization for temporary dining to areas of the Pier to be specified by the Director of Economic Development subject to specified conditions and any additional regulations; extend the authorization for temporary dining to portions of the sidewalk or roadway in the Third Street Promenade to be specified by the Director of Economic Development subject to specified conditions and any additional regulations; authorize the temporary use by businesses of adjacent sidewalks, adjacent private outdoor space, and areas of the Pier to be specified by the Director of Economic Development for business activities other than temporary dining, subject to specified conditions and any additional regulations; authorize restaurants and other businesses to establish temporary parklets for business activities and outdoor dining in on-street parking and loading spaces adjacent to the restaurant or business, subject to specified conditions, specified design and safety specifications, and any additional regulations; and specify that for compliance with certain specified mandatory seismic retrofitting requirements, the two-year extension for planning, review, and permit-related actions applies only if an application was pending as of March 13, 2020 or submitted between March 13, 2020 and the expiration of the Order; and

WHEREAS, on June 28, 2020, in light of current rates of disease transmission in some counties and the need to reduce non-essential gatherings where mixing and disease spread occur, the California Department of Public Health ordered the closure in certain counties, including Los Angeles County, of bars, brewpubs, breweries, and pubs not offering sit-down, dine-in meals that had reopened after June 12 in accordance with prior state and local guidance and reemphasized that alcohol can only be sold in such establishments in the same transaction as a meal; and

WHEREAS, on June 28, 2020, Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer At Home Orders and was essentially equivalent to the June 18 Safer At Home Order with the exceptions that it returned most bars, brewpubs, breweries, tasting rooms, craft distilleries, and wineries to the list of higher-risk businesses whose closure is required; and required restaurants with a moderate risk or high risk permit issued by the County Department of Public Health and other food facilities that provide in-person dining to follow a revised protocol for on-site dining; and

WHEREAS, on June 29, 2020, the Los Angeles County Department of Public Health issued a Reopening Safer at Work and in the Community for Control of COVID-19 order requiring the temporary closure of all public beaches, piers, beach bicycle paths and beach access points between July 3 and July 6; prohibiting all firework shows and events until further notice; noting that the County has recently observed a sharp increase in new COVID-19 cases and hospitalizations demonstrating the reality of increased community transmission of COVID-19; and reemphasizing that State public health directives and the current County Health Officer Order prohibit professional, social, and community mass gatherings, with gatherings defined as meetings or other events that bring together persons from multiple households at the same time for a shared or group experience in a single room, space, or place; and

WHEREAS, on June 29, 2020, the Director of Emergency Services issued a Nineteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that, with certain specified exceptions, extended the effective dates of the Fifth Revised First, Revised Fourth, Revised Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, and Second Revised Eighteenth Supplements to July 31, 2020, or any later date expressly stated within the text of an individual supplement; specified exceptions permitted impositions of late payment penalties for unpaid or delinquent Transient Occupancy Taxes, Utility Users Taxes, and Parking Facility Taxes to resume as of July 1, 2020; towing for violations of the California Vehicle Code relating to abandoned vehicles to resume as of July 1, 2020; the suspension of the prohibitions of Santa Monica Municipal Code Sections 5.45.020 and 5.45.030 relating to stores providing bags to customers at the point of sale without charge to expire as of July 1, 2020; Santa Monica Fire Department annual permits of operation to expire as of July 1, 2020; and issuance of parking citations associated with street sweeping to resume as of July 1, 2020; and

WHEREAS, on July 1, 2020, in a letter to California elected officials, the Governor of the State of California noted the recent increase in COVID-19 cases, including a concerning increase in hospitalizations; reminded Cities and Counties of their power, conferred by the California Constitution, to take action to protect their residents; called on elected officials to remain vigilant in efforts to protect the health and safety of their communities; and emphasized the dire consequences of failing to ensure compliance with public health orders, including a surge of COVID-19 cases and fatalities and an unsustainable burden on health care services that may divert resources from other health needs, further delaying reopening efforts; and

WHEREAS, on July 1, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California’s Pandemic Resilience Roadmap order that superseded all prior Safer At Home Orders and was essentially equivalent to the June 28 Safer At Home Order with the exceptions that it noted the serious recent regression of COVID-19 indicators within the County of Los Angeles, which showed troubling and substantial increases in new daily reported COVID-19 cases, hospitalizations, and testing positivity rate; returned indoor, in-person onsite dining at restaurants, cardrooms, satellite wagering facilities, racetrack onsite wagering facilities, and indoor portions and exhibits of museums, zoos, and aquariums to the list of high-risk businesses required to close for at least 21 days and until further notice; and ordered the closure of indoor mall or shopping center food court dining and seating areas for at least 21 days and until further notice; and

WHEREAS, on July 1, 2020, the Director of Emergency Services issued a Twentieth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that superseded and replaced the Eleventh and Fourteenth Supplements to, in accordance with the County Safer at Home Orders and the California Department of Health’s recent Guidance for the Use of Face Coverings, set out specifics regarding the requirement that all individuals wear face coverings whenever they leave their place of residence and are or may be in contact with non-household members in both public and private spaces; set out exemptions from the face covering requirement; specify that business operators may refuse admission or service to any person who fails to wear a face covering as

required or to comply with social distancing requirements imposed by the County Safer at Home orders; and authorizes administrative citations with specified administrative fines for both individuals and businesses failing to comply with the face covering requirements; and

WHEREAS, on July 10, 2020, the Director of Emergency Services issued a Second Revised Twenty-First Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency that superseded and replaced the Twenty-First Supplement issued July 8, 2020 and the Revised Twenty-First Supplement issued July 9, 2020, to, with respect to the November 3, 2020 general municipal election, reduce the number of nominating signatures for candidates to which Santa Monica Municipal Code Section 11.04.010 would apply from 100 to 30 and to waive the fee of \$1 for each additional set of nomination papers after the first two sets; and

WHEREAS, on July 13, 2020, in light of current data reflecting that community spread of COVID-19 infection is of increasing concern across the state, the California Department of Public Health ordered the statewide closure of all operations, indoors and outdoors, of bars, pubs, brewpubs, breweries, and concert, performance, and entertainment venues, subject to specified exceptions; the statewide closure of indoor operations of dine-in restaurants, wineries and tasting rooms, family entertainment centers and movie theaters, indoor attractions at zoos and museums, and cardrooms; and the closure in certain counties that currently appear on the Department's County Monitoring List and have been on the list for three consecutive days, which included Los Angeles County, all indoor operations of gyms and fitness centers, places of worship, protests, offices for non-critical infrastructure sectors, personal care services (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls; and

WHEREAS, on July 14, 2020, the Los Angeles County Department of Public Health issued a revised Reopening Safer at Work and in the Community For Control of COVID-19 – Moving the County of Los Angeles Into Stage 3 of California's Pandemic Resilience Roadmap order that superseded all prior Safer At Home Orders and was essentially equivalent to the July 1 Safer At Home Order with the exceptions that it ordered the closure of indoor operations of hair salons and barbershops, fitness facilities, and personal care establishments; permitted in-person faith-based services and protests so long as they are held outdoors; ordered the closure of indoor portions and operations of indoor malls and shopping centers; required that all indoor portions and operations of any non-essential office-based business cease, subject to the exception for minimum basic operations; and required that essential businesses, healthcare operations, or essential infrastructure whose operations require employees to operate from an office worksite require employees to telework to the extent feasible; and

WHEREAS, as of July 14, 2020, the Los Angeles County Department of Public Health has confirmed 140,307 cases of COVID-19 in Los Angeles County and has continued to advise that bold and aggressive measures are required to be put in place to prevent the further spread of COVID-19; and

WHEREAS, evidence suggests that use of cloth face coverings by the public may help reduce disease transmission by reducing the release of infectious particles into the air when someone speaks, coughs, or sneezes, especially in cases of asymptomatic and pre-symptomatic people or those with mild symptoms who do not realize that they are infectious and contagious; and

WHEREAS, there are reports that within the City and across the nation people have falsely claimed to be exempt from wearing a face covering due to a purported medical or mental health condition or disability and, on June 26, 2020, the Los Angeles County Department of Health issued a tweet warning that “Face Mask Exempt” cards are “NOT from a government agency and are not endorsed by the Department of Justice or any Los Angeles County department;” and

WHEREAS, on June 30, 2020, the United States Department of Justice issued a press release warning that “[i]naccurate flyers or other postings have been circulating on the web and via social media channels regarding the use of face masks and the Americans with Disabilities Act (ADA) due to the COVID-19 pandemic” and explained the “ADA does not provide a blanket exemption to people with disabilities from complying with legitimate safety requirements necessary for safe operations”; and

WHEREAS, City officers or employees authorized to enforce this Order and businesses within the City attempting to comply with this Order and ensure the safety of their customers and employees have a legitimate interest in ferreting out false representations that a person is exempt from wearing a face covering due to a purported medical or mental health condition or disability, especially given the increased risk of disease transmission when persons do not wear a face covering whenever they leave their residence and are or can be in contact with others who are non-household members; and

WHEREAS, persons with a medical or mental health condition or disability that prevents them from wearing a face covering have a right to privacy; and

WHEREAS, permitting City officers or employees authorized to enforce this Order and businesses within the City attempting to comply with this Order and ensure the safety of their customers and employees to ask persons claiming to be exempt from wearing a face covering due to a medical or mental health condition or disability for a credible assurance of the applicability of such exemption, in accordance with the provisions of this Order below, strikes a balance between an individual’s privacy, fraud protection, and public health, safety and welfare, and is consistent with 28 C.F.R. § 35.137 and 28 C.F.R. § 36.311, which permit public entities and public accommodations to request such a credible assurance from those who use certain power-driven mobility devices; and

WHEREAS, California Government Code 8634 empowers the City to promulgate orders and regulations necessary to provide for the protection of life and property during a local emergency, and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary to exercise my authority pursuant to Section 2.16.060 of the Santa Monica Municipal Code to issue this regulation related to the protection of life and property.

NOW, THEREFORE, I, Lane Dilg, the Director of Emergency Services for the City of Santa Monica, do hereby issue the following order to become effective immediately, subject to ratification as soon as practicable by the City Council:

IT IS HEREBY ORDERED THAT:

1. This Order supersedes and replaces the Eleventh Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency issued April 8, 2020, and the Fourteenth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency issued May 14, 2020.

2. The definitions in the County Department of Health's Safer at Home Order apply to the words and phrases used in this Order unless context dictates otherwise. In addition, as used in this Order, the following terms have the following meanings:

- a. "Business" means a lower-risk business, essential business, healthcare operation, essential infrastructure, or other sector or business authorized to operate, reopen, or conduct minimum basic operations by the County Department of Health's Safer at Home Order. For the purpose of this Order, business does not include the City of Santa Monica or other location or facility engaged in essential government functions.
- b. "Face covering" means a scarf (dense fabric, without holes), bandana, neck gaiter, or other mask or covering made of cloth or other fabric that covers a person's nose and mouth. Face covering does not mean a medical-grade mask or respirator, such as an N95 respirator, which should be reserved for health-care providers and first responders. Face covering also does not mean any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling, because such a mask allows droplets to be released from the mask and puts others nearby at risk.
- c. "Operator" means an owner or operator of a business.

3. All directives included in the California Department of Public Health's Guidance for the Use of Face Coverings (the "State's Face Covering Guidance"), including any later amendments and successors thereto, are hereby adopted as rules and regulations of the City of Santa Monica pursuant to Section 2.16.060(f)(1) of the Santa Monica Municipal Code. For purposes of clarity, all directives in the County Department of Health's Safer at Home Order, including any later amendments and successors thereto, were adopted as rules and regulations of the City of Santa Monica pursuant to Section 2.16.060(f)(1) of the Santa Monica Municipal Code in the Eighth Supplement to the Executive Order of the Director of Emergency Services Declaring the Existence of a Local Emergency issued March 22, 2020

4. Unless an exemption in Section 6 applies, all persons must wear face coverings whenever they leave their place of residence and one of the following situations applies:

- a. When they are or can be in contact with or walking near or past others who are non-household members in both public and private spaces, including, but not limited to, walking through common areas such as hallways, stairways, elevators, and parking facilities;
- b. When patronizing a business, including while standing in line to enter any business;
- c. When obtaining services from healthcare operations, unless otherwise directed by the healthcare provider;
- d. When obtaining services from and while inside or at any location or facility engaging in essential government functions;
- e. When waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle;
- f. When driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present;
- g. When participating in an in-person protest; or
- h. When engaged in work, either at a business or off-site (other than at one's own residence) and when (i) interacting in-person with any member of the public; (ii) working in any space visited by members of the public, regardless of whether anyone from the public is present at the time; (iii) working in any space where food is prepared or packaged for sale or distribution to others; (iv) working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities; or (v) in any room or enclosed area where people who are non-household members are present and unable to maintain a minimum six-foot separation from one another.

5. Unless an exemption in Section 6 applies, for the purposes of Section 4(a), a person is in violation of this Order when moving in an outdoor area if he or she either (a) is not wearing a face covering or (b) does not have a face covering visible and immediately ready to cover his or her nose and mouth (such as hanging around his or her neck) whenever that person is within 30 feet of any other non-household member. For reference, 30 feet is around the length of two cars end-to-end and is utilized to give people adequate time to put on a face covering before the distance closes and the people are within six feet of each other, which puts them at greater risk for transmission of the virus. When people (other than those in the same household) are approaching each other in an outdoor area and likely to pass in the coming seconds, they must put on their face coverings when they are within 30 feet of each other. This 30-foot rule applies whether people are on the sidewalk, in a park, on a path or trail, or in any other outdoor area, and whether they are walking, running, biking, otherwise exercising, standing, or engaged in transportation such as using a motorcycle, skateboard, moped, or scooter, unless an exemption in Section 6 applies.

6. The following persons are exempt from wearing a face covering:

- a. Persons younger than two years old;
- b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering;
- c. Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication;
- d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines;
- e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;
- f. Persons who are (i) outdoors alone or with household members; (ii) stationary; and (iii) maintaining at least six feet between the edge of the area they are in and the edge of the next closest person's area;
- g. Persons who are actively engaged in a water-based activity, including, but not limited to, swimming and surfing.
- h. Persons compliant with the County Department of Health's Protocol for Restaurants Opening for On-Site Dining under which customers who are seated at a restaurant or other establishment that offers food or beverage service are not required to wear face coverings while they are eating or drinking;
- i. Persons wearing personal protective equipment ("PPE"), such as medical-grade N95 respirator or a similar mask that is more protective than a face covering;
- j. Persons compliant with any other reopening protocol issued by the County Department of Health authorizing persons to remove their face coverings; or
- k. Persons compliant with any regulation promulgated pursuant to Section 13.

7. Persons who are exempt under Section 6(b) who are employed at a business involving regular contact with other non-household members must wear a non-restrictive alternative, such as a face shield with a drape on the bottom edge, as long as their medical condition permits it.

8. An operator or any City peace officer or other officer or employee authorized to enforce this Order pursuant to Section 16 or an Operator seeking to comply with Sections 10 and 11 of this Order (collectively "Inquirers") may ask a person claiming to be exempt under Section 6(b) to provide a credible assurance that he or she is not wearing a face covering because of his or her medical condition, mental health condition, or disability. An Inquirer shall accept the presentation of written documentation from a medical professional that the person's medical

condition, mental health condition, or disability exempts that person from wearing a face covering as a credible assurance that the person is exempt under Section 6(b). In lieu of such documentation, an Inquirer shall accept as a credible assurance a verbal representation, not contradicted by observable fact, that the person is not wearing a face covering because of his or her medical condition, mental health condition, or disability. Notwithstanding the foregoing, an Inquirer may not ask a person claiming to be exempt under Section 6(b) to provide a credible assurance if such a person has an obvious or readily apparent medical condition, mental health condition, or disability that prevents the wearing of a face covering or if the medical condition, mental health condition, or disability is otherwise known to the Inquirer. Nothing in this Order permits an Inquirer to ask a person questions about the nature and extent of that person's medical condition, mental health condition, or disability.

9. Operators who employ or contract with persons who are required by Section 4(h) to wear a face covering ("workers") must permit those workers to wash their hands at least every 30 minutes. All such operators must provide, at their expense, face coverings for their workers. All such operators must ensure that their workers have access to: (a) clean, sanitary restrooms, stocked with all necessary cleansing products, provided at the operator's expense; or (b) sanitizing agents required to observe hand sanitation protocols recommended by the Los Angeles County Department of Public Health, provided at the operator's expense.

10. Operators may refuse admission or service to any person who fails (a) to wear a face covering as required by this Order or (b) to adhere to the social (physical) distancing requirements stated in the County Department of Health's Safer at Home Order or specified in guidance or protocols established by the County of Los Angeles Department of Public Health.

11. Operators shall take all reasonable steps to ensure that persons who are standing in line to enter the business or who have entered the business (a) wear a face covering, unless an exemption under Section 6 applies, and (b) adhere to the social (physical) distancing requirements stated in the County Department of Health's Safer at Home Order or specified in guidance or protocols established by the County of Los Angeles Department of Public Health.

12. Any Operator may sell face coverings and emergency supplies.

13. All sellers of face coverings and emergency supplies shall abide by all federal, state, and local price gouging laws.

14. The Director of Emergency Services or designee may promulgate regulations to implement the provisions of this Order. No person shall fail to comply with any such regulation.

15. Should the directives of the State's Face Covering Guidance, the County Department of Health's Safer at Home Order, this Order, or any regulations promulgated thereunder conflict, the stricter regulation shall apply.

16. Sections 2 through 13 and any regulations promulgated under Section 14 of this Order shall be enforceable by the Santa Monica Police Department and any City officer or employee granted authority to issue written notices to appear pursuant to Santa Monica Municipal Code Section 3.36.090 as misdemeanors pursuant to Government Code Section 8665 and Santa Monica Municipal Code Section 2.16.100, or through the issuance of administrative citations in

accordance with Chapter 1.09 of the Santa Monica Municipal Code. Pursuant to Section 1.09.040 of the Santa Monica Municipal Code, the amount of the fine for a violation of any provision of, or any regulations issued under, this Order shall be as follows: (a) for violations by individuals: \$100 for the first violation; \$250 for a second violation committed within one year for the first violation; and \$500 for a third violation or subsequent violations committed within one year of the first violation; and (b) for violations by businesses: \$500 for the first violation; \$750 for a second violation committed within one year for the first violation; and \$1000 for a third violation or subsequent violations committed within one year of the first violation. Each day or portion of a day that any person violates or continues to violate any provision of, or any regulations issued under, this Order constitutes a separate violation and may be charged and punished separately.

17. Pursuant to Santa Monica Municipal Code 1.09.040(c), a late payment charge of 10% of the applicable fine shall be imposed for the payment of an administrative fine imposed pursuant to Section 16 of this Order after its due date.

18. This Order shall take effect immediately and, unless extended or expressly superseded by a duly enacted Ordinance of the City Council or by a further Order by the Director of Emergency Services shall remain in effect until July 31, 2020.

19. If any section, subsection, sentence, clause, or phrase of this Order is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Order. The Interim City Manager hereby declares that she would have issued this Executive Order, and any Supplement or Revised Supplement to this Executive Order, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

ADOPTED this 15th day of July 2020.

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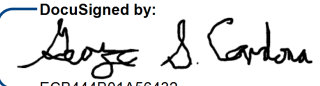
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LANE DILG
Interim City Manager
Director of Emergency Services

ATTEST:

APPROVED AS TO FORM:

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DENISE ANDERSON-WARREN
City Clerk

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GEORGE S. CARDONA
Interim City Attorney