



Rick Cole
City Manager

Office of the City Manager
1685 Main Street
PO Box 2200
Santa Monica, CA 90407-2200

**ELEVENTH 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, (“Executive 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 Executive 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 Executive 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 Executive 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; temporarily prohibited restaurants, bars, and retail food facilities from serving food on-premises; and strongly urged houses of worship to limit large gatherings on their premises and to observe social distancing practices in their services; and

WHEREAS, on March 17, 2020, the Executive 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 18, 2020, the Executive 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 Executive 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, California Governor Gavin Newsom 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 Executive 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 Executive 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 Executive 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”), 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 Executive 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, and 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 April 1, 2020, the Executive 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 (1) requiring the following of all construction projects: (a) handwashing facilities or hand sanitizer to be installed at entrances to construction projects, (b) shared tools and equipment to be sanitized, (d) posting signage instructing workers of the social distancing and sanitation requirements and entrance limitations for ill workers or those in recent close contact with someone diagnosed with COVID-19, and (d) workers not to gather in groups larger than three during breaks and to maintain a six-foot social distance during such breaks; (2) directing that, if construction is taking place within an occupied residential building, steps must be taken to minimize contact with areas within the building but not within the construction site and to clean and sanitize those areas regularly; and (3) authorizing the Building Officer is to issue a stop work order at any construction site operating in violation of the Governor’s “Stay at Home” Order, the County Department of Public Health’s “Safer at Home” Order or the requirements of the Tenth Supplement; and

WHEREAS, on April 6, 2020, the City Council ratified the proclamation of local emergency made by the Executive 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 Executive 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 to expand eviction protections in place during the period of the order by requiring landlords to provide tenants with notice of the eviction moratorium; prohibiting all no-fault residential evictions; prohibiting landlords from evicting residential tenants under certain circumstances, including for refusing entry except for specified reasons or based on unauthorized occupants or pets; prohibiting landlords from using the eviction process to seek rent delayed due to COVID-19 if the landlord has obtained compensation for the unpaid rent through government aid; and increasing the maximum penalty for violation of the City’s Tenant Harassment Ordinance to \$15,000; and

WHEREAS the Centers for Disease Control and Prevention, the California Department of Public Health, and the Los Angeles County Department of Public Health have all issued public health recommendations to the community including but not limited to staying home if sick, social distancing from non-family members, canceling or postponing events and gatherings, and taking other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS federal, state, and local health authorities have recommended that medical workers and first responders wear, where available, hospital grade masks, such as surgical masks or N95 respirators; and

WHEREAS, on April 5, 2020, the Los Angeles County Department of Public Health issued guidance that members of the general public should use a non-medical grade cloth face covering anytime they will be in contact with other people who are not household members in public or private spaces; and

WHEREAS, as of April 8, 2020, the Los Angeles County of Public Health has confirmed 7,530 cases of COVID-19 in Los Angeles County and has advised that bold and aggressive measures are required to be put in place to prevent the further spread of COVID-19; 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, Rick Cole, 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. As used in this Eleventh Supplement, the following terms are defined as follows:
 - a. “Covered business” means any of the following businesses:
 - i. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, warehouse stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruit and vegetables, pet supply, water, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning or personal care products), including stores that sell groceries and sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - ii. Organizations and businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals (including gang prevention and intervention, domestic violence, and homeless service agencies);
 - iii. Hardware stores, nurseries; building supply stores;
 - iv. Plumbers, electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, vegetation services, tree maintenance, landscapers, gardeners, property managers, private security

personnel and other service providers who provide services to maintain the safety, sanitation, and essential operation to properties and other Essential Businesses, as that term is defined in County of Los Angeles's Safer at Home Order;

- v. Laundromats, dry cleaners, laundry service providers;
 - vi. Restaurants and other food facilities that prepare and serve food;
 - vii. Businesses that ship, truck, provide logistical support or deliver groceries, food, goods or services directly to residences, Essential Businesses, Healthcare Operations, and Essential Infrastructure, as those terms are defined in County of Los Angeles's Safer at Home Order;
 - viii. Airlines, taxis, ride sharing services and other private transportation providers providing transportation services necessary for activities of daily living and other purposes expressly authorized by the County of Los Angeles's Safer at Home Order; and
 - ix. Hotels, motels, shared rental units and similar facilities.
- 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.
2. All individuals who work or provide services at a covered business must wear face coverings while performing their work. All such workers must frequently (at least once a day) wash any reusable face coverings, for the health and safety of themselves and others. Single-use face coverings must be properly discarded into trash receptacles.
 3. Owners or operators of a covered business ("operators") who employ or contract with individuals who work or perform services at the covered business ("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. All such operators must implement social distancing measures for customers, visitors, and workers that provides a six-foot buffer, to the maximum extent possible, between individuals.
 4. All customers of and visitors to any covered business must wear face coverings to provide additional protection for workers and other customers of and visitors to the covered business.
 5. An operator may refuse admission or service to any individual who fails to wear a face covering as required by this Eleventh Supplement.
 6. Covered businesses are encouraged but not required to install plexiglass to separate cashiers and customers at all points of sale.
 7. All residents of the City are encouraged but not required to wear face coverings whenever they go outside their homes to obtain essential services and goods, as defined by the Governor's Stay at Home Order and the County Department of Public Health's Safer at Home Order.

8. Any operator may sell face coverings and emergency supplies. All sellers of face coverings and emergency supplies shall abide by all federal, state, and local price gouging laws.
9. The Director of Emergency Services or designee may promulgate regulations to implement the provisions of this Eleventh Supplement. No person shall fail to comply with any such regulation.
10. Sections 2 through 4 and any regulations promulgated under Section 9 of this Eleventh Supplement 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 Eleventh Supplement 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 Eleventh Supplement constitutes a separate violation and may be charged and punished separately.
11. 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 10 of this Eleventh Supplement after its due date.
12. This Order shall take effect at 12:01 a.m. on April 10, 2020 and shall remain in effect until April 30, 2020, at 11:59 p.m., 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.

ADOPTED this 8th day of April 2020.

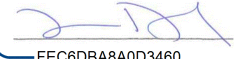
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 By: _____
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RICK COLE
 City Manager
 Director of Emergency Services

ATTEST:

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DENISE ANDERSON-WARREN
 City Clerk

APPROVED AS TO FORM:

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LANE DILG
 City Attorney