



Rick Cole
City Manager

Office of the City Manager
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Santa Monica, CA 90407-2200

**TENTH 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 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 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 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 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, 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 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 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, both the Governor's Stay at Home Order and the County Department of Public Health's Safer at Home Order include as an essential business allowed to continue to operate construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction); and

WHEREAS, the County Department of Public Health's Safer at Home Order directs all essential businesses to comply with all of the following: (a) enforce social distancing measures, requiring that individuals maintain separation of at least six (6) feet to the extent feasible; (b) provide access to hand washing facilities with soap and water or to hand sanitizer that contains at least 60 percent alcohol; (c) post a sign in a conspicuous place at all public entries that instructs members of the public to not enter if they are experiencing symptoms of respiratory illness, including fever or cough; and (d) adhere to communicable disease control recommendations provided by the Los Angeles County Department of Public Health, including guidance for cleaning and disinfecting the site; and

WHEREAS, as of March 31, 2020, the Los Angeles County of Public Health has confirmed 3,011 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, to prevent the spread of COVID-19 among construction workers, household members of construction workers, and members of the public at and in proximity to construction sites and projects at which construction work remains ongoing, it is necessary to ensure that construction workers at those construction sites and projects are provided with the means to comply, and comply, to the maximum extent possible, with the County Department of Public Health's Safer at Home Order; 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. All workers at construction projects and sites at which construction work is occurring (including, but not limited to, public works construction, construction of commercial, office, and institutional buildings, construction of housing projects, and housing improvements) (hereafter, "construction project(s)") shall: (a) install hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol at each pedestrian entrance to the project site and ensure that the facilities remain adequately stocked during all times of construction activity; (b) take all appropriate steps, if the construction project is within a residential building in which individuals are residing at the time of the project, to ensure that workers minimize their contact with areas within the building but not within the actual construction project, including limiting workers' path of travel in an out of the project site, and, for all such areas with which contact is unavoidable, regularly clean and sanitize those areas at least twice daily, including following completion of work each day, and maintain a log of the cleaning schedule to be made available upon request; (c) clean and sanitize any shared equipment or tools at the beginning and end of each shift and maintain a log of the cleaning schedule to be made available upon request; (d) post a sign in a conspicuous place at each pedestrian entrance to the construction site instructing workers and other members of the public (i) to maintain social distancing to the greatest extent feasible, (ii) not to enter the site if there has been recent close contact with someone with laboratory confirmed COVID-19, (iii) not to enter the site if experiencing signs of illness, including fever or cough, (iv) to return home if the worker begins to experience any signs of illness, including fever or cough, and (v) regarding the cleaning and sanitation requirements in sections (b) and (c) above; and (e) not gather in groups of more than three while gathering on site for lunch or other breaks and during such breaks to maintain a distance of six feet from one another at all times.
2. The owner, manager, or operator of any business that, as its primary operation, is engaged in a construction project shall ensure that its employees or independent contractors (a) are provided with everything necessary to comply with Section 1 of this Tenth Supplement and any regulations promulgated under Section 3 of this Tenth Supplement; and (b) comply with Section 1 of this Tenth Supplement and any regulations promulgated under Section 3 of this Tenth Supplement.

3. The Building Officer or designee may promulgate regulations regarding compliance with Sections 1 and 2 of this Tenth Supplement and, in relation to construction projects, any of the other requirements imposed on the operations of essential business by the County Department of Public Health's Safer at Home Order, including any later amendments or successors thereto. No person shall fail to comply with any such regulation.
4. The Building Officer or designee may issue a stop work order at a construction project site at which workers are in violation of Section 1 of this Tenth Supplement or any regulations promulgated under Section 3 of this Tenth Supplement by giving notice in writing to persons engaged in the doing or causing such work to be done. No person shall fail to comply with such a stop work order. Any appeal of a stop work order issued pursuant to section shall comply with Santa Monica Municipal Code Section 8.08.040.
5. Sections 1 through 4 of this Tenth 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 this Tenth 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 this Tenth Supplement constitutes a separate violation and may be charged and punished separately.
6. 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 5 of this Tenth Supplement after its due date.
7. This Order shall take effect immediately 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 1st day of April 2020.

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By: _____
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RICK COLE
City Manager
Director of Emergency Services

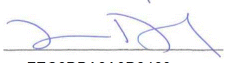
ATTEST:

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DENISE ANDERSON-WARREN
City Clerk

APPROVED AS TO FORM:

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LANE DILG
City Attorney