STATEMENT ON THE SUBJECT:

The City Council will consider adopting a Resolution ratifying the City Manager/Director of Emergency Services Order implementing emergency measures to prevent the spread of COVID-19.

RECOMMENDATION:

Adopt Resolution No. 20-__, “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RATIFYING EMERGENCY MEASURES TO PREVENT THE SPREAD OF COVID-19”.

BACKGROUND AND ANALYSIS:

The City of West Hollywood City Council adopted Resolution 20-5263 proclaiming a local emergency at its meeting on March 16, 2020. An emergency exists when conditions are beyond the control of the services, personnel, equipment, and facilities of this City. A local emergency authorizes the City Manager to promulgate certain orders to ensure the continuity of City government operations and the safety and wellbeing of its citizens. Such orders are to be presented to the City Council as soon as practical for ratification.

On March 19, 2020, the Governor of the State of California issued Executive Order N-33-20 ordering all individuals living in California to stay home or at their place of residence to prevent the spread of the disease. It also finds that essential critical infrastructure
workers are exempt when they are performing essential functions in the Government Facilities Sector.

In an effort to remedy the unsafe and dangerous conditions arising from failure to abide by public health directives to slow the spread of COVID-19, the City Manager issued Executive Order No. 2020-2 on April 9, 2020, which closed all City parks and dog parks, in addition to other emergency measures. The City Council ratified this order on April 20, 2020.

In May, the Governor authorized some limited retail and outdoor recreation venues to reopen and the County of Los Angeles updated its Health Officer Order on May 13, 2020, to begin to move into Stage 2 of the County’s roadmap to recovery. The County has created industry-specific reopening protocols for outdoor recreation areas, business, and industries that have been permitted to reopen to require these spaces to implement specific safety protocols implementing social distancing and cleaning/sanitized measures to prevent the further spread of COVID-19.

The County Health Officer Order was updated again on May 26th, May 29th, June 11th, and June 18, 2020 to permit the reopening of outdoor recreation venues and additional businesses subject to their individual industry-specific protocols. The June 11th order for example, permits residents to engage in outdoor recreation activity in compliance with Social Distancing, subject to all applicable access or use restrictions to reduce the crowding and the risk of COVID-19 transmission.

On June 18, 2020, Governor Newsom along with the State Health Officer released mandatory health guidance that requires Californians, subject to limited exceptions, to wear face coverings when outside the home. In line with the mandatory guidance, the Los Angeles County Health Officer issued a revised order on the same date to require all persons to wear a face covering whenever they leave their place of residence and are or can be in contact with or walking near or past others who are non-household members in both public and private places whether indoors or outdoors. According to State and County Health officials, wearing face coverings reduces the risk of transmission to others who do not have symptoms and do not know that they’re infected.

As businesses and recreation activities reopened, the City adopted a face covering requirement for all residents in order to reduce the transmission of the virus as more people engage in commercial and recreation activities (Executive Order No. 2020-3) and permitted City parks and dog parks to reopen under new modifications (Executive Order No. 2020-6). These guidelines required members of the public visiting City parks to: (1) practice social distancing between groups that are not part of the same household; (2) wear face coverings; (3) remove all personal items before leaving the park; and (4) encouraged people to stay home if they are feeling sick and/or are exhibiting any symptoms of illness. Playground and exercise equipment, water fountains, and bathrooms remained closed. Personal training and group fitness classes were not permitted, to ensure social distancing in the parks.

Following the reopening of certain “high risk” businesses, including bars and restaurants which are places where people remove their face covering to eat and drink while they may be socializing with people not in their households, the State and County reported a
sharp increase in confirmed COVID-19 cases and hospitalizations. At the time of writing this report, there are 248,821 confirmed COVID-19 cases and 6,030 deaths in the County.

As a result, on July 13, 2020, the State Public Health Officer issued a state-wide order to require the immediate closure of: (1) indoor and outdoor operations of bars, pubs, brewpubs and breweries; and (2) indoor operation of restaurant dining, movie theatres, zoos, museums, cardrooms, wineries and tasting rooms. The order also imposed more stringent requirements on specified counties, including Los Angeles County that have appeared on the State’s monitoring list for three consecutive days to order the immediate closure of indoor operations of the following sectors: gyms and fitness facilities, places of worship, offices for non-critical infrastructure sectors, personal care establishments, hair salons, barbershops, and malls.

The following day, on July 14, 2020, the County Health Officer issued a revised order to coincide with Governor’s July 13th order, requiring the closure of indoor operations of the following establishments: malls, shopping centers, hair salons, barbershops, fitness facilities, and personal care establishments.

On August 28, 2020, the State Health Officer issued a new order that sets forth an updated framework that is intended to guide the gradual reopening of businesses and activities in the state while reducing the increased community spread of the disease. The new framework is entitled, “California’s Plan for Reducing COVID-19 and Adjusting Permitted Sector Activities to Keep Californians Health and Safe”. Under this updated framework, every county in California is assigned to a tier based on how prevalent COVID-19 is in each county and the extent of community spread—Purple (Widespread), Red (Substantial), Orange (Moderate) and Yellow (Minimal). The color of each respective tier indicates what sectors may reopen. As of the date of this report, Los Angeles County is in the Purple Tier. Under the State’s August 28th order, the County will remain in this tier for at least three weeks before it can progress to a new tier.

The County’s health order was most recently updated on September 2nd and September 4th, in consideration of the County’s current status within the tiered reopening approach and to, among other things, permit the indoor operation of hair salons and barbershops at a limited capacity.

Recent Safety Measures Enacted in City Parks to Prevent the Further Spread of COVID-19

Following the reopening of City parks pursuant to Executive Order No. 2020-6, City staff and the Sheriff’s Department received numerous reports that visitors of City parks had been witnessed not complying with park rules adopted to curb the spread of COVID-19. Visitors had reportedly failed to comply with the City’s face covering requirement and altered or destroyed protective barriers intended to keep playgrounds closed.

As a result, the City Manager/Director of Emergency Services issued Executive Order No. 2020-9 on July 23, 2020, to safeguard the public health and safety of City residents by ordering the closure of West Hollywood and Plummer Park where visitors had reportedly refused to comply with the State, County and local face covering requirements and social distancing measures that are intended to and have been demonstrated to help
reduce community transmission of COVID-19. Under Order No. 2020-9, dog parks and tennis operations remained open, provided that the participants followed the applicable rules established for safe use of dog parks and safe tennis operations. The order was ratified by the City Council during its regular meeting on August 3, 2020.

In order to ensure adequate opportunities for outdoor recreation and fresh air, which are important during this time where individuals are encouraged to stay home as much as possible, the City began developing a limited reopening plan. The reopening plan provided opportunities for safe outdoor recreation, by creating a reservation system for individuals to reserve park space provided the visitors comply with park rules, and State, County and local measures implemented to prevent the spread the further spread of COVID-19.

On August 11, 2020, the City Manager/Director of Emergency Services issued Executive Order 2020-10 to order the limited reopening of Plummer Park and West Hollywood Park subject to a “reservation system” as set forth in the City’s reopening plan, and to continue to permit dog parks and tennis operations to remain open provided that participants follow the specified measures laid out therein.

Based on the successful limited reopening of parks under Executive Order 2020-10, reported slowing of the spread of COVID-19 throughout the County and compliance with local park health guidelines, the City Manager/Director of Emergency Services issued Executive Order No. 2020-12 on September 8, 2020 to lift the existing restrictions on West Hollywood and Plummer Park, while maintaining the optional park reservation system for park users desiring to reserve socially distanced space at these park (ATTACHMENT A). Restrictions are still in place requiring social distancing and prohibiting organized group fitness classes, etc. The bathrooms, water fountains, playgrounds and fitness equipment remain closed. Dog parks and tennis operations will remain open subject to restrictions.

Parking Credits
Based on feedback from the business community, the Executive Order 2020-12 also clarifies that the deferral of payments for parking credits this year applies to existing and new businesses.

Staff is requesting that the City Council approve the attached resolution (ATTACHMENT B) ratifying Order No. 2020-12.

**CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:**

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-7: Collaborative Public Safety.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:
• G-2: Maintain transparency and integrity in West Hollywood’s decision-making process.

EVALUATION PROCESSES:
N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:
This action has direct impacts on the health and well-being of residents and visitors of West Hollywood.

COMMUNITY ENGAGEMENT:
N/A

OFFICE OF PRIMARY RESPONSIBILITY:
CITY MANAGER’S DEPARTMENT

FISCAL IMPACT:
None at this time

ATTACHMENTS:

ATTACHMENT A: Executive Order 2020-12
ATTACHMENT B: Resolution 20-
WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-12

EMERGENCY EXECUTIVE ORDER OF THE CITY
MANAGER/DIRECTOR OF EMERGENCY SERVICES OF
THE CITY OF WEST HOLLYWOOD, CALIFORNIA,
IMPLEMENTING EMERGENCY MEASURES TO ORDER
REOPENING OF CITY PARKS ADOPTED TO PREVENT THE
FURTHER SPREAD OF COVID-19

SECTION 1. RECITALS


B. On July 23, 2020, the City Manager adopted Emergency Executive Order 2020-09, closing Plummer Park and West Hollywood Park, following numerous reports to City staff and the Sheriff’s Department, that visitors of City parks have been witnessed not complying with park rules adopted to curb the spread of COVID-19. Visitors had reportedly failed to comply with the City’s face covering requirement and have altered/and or destroyed protective barriers intended to keep playgrounds closed. The closures were intended to safeguard the public health and safety of City residents by ordering the closure of city parks where visitors have reportedly refused to comply with the State, County and local face covering requirements and social distancing measures that are intended to and have been demonstrated to help reduce community transmission of COVID-19.

C. The Order was ratified by the City Council on August 3, 2020. In order to ensure adequate opportunities for outdoor recreation and fresh air, which are important during this time where individuals are encouraged to stay home as much as possible, the City began developing a limited reopening plan. The reopening plan provided opportunities for safe outdoor recreation, by creating a reservation system for individuals to reserve park space provided the visitors comply with park rules.

D. Based on successful limited reopening of parks under Executive Order 2020-10, reported slowing of the spread of COVID-19 throughout the county and compliance with local park health guidelines, the City desires to lift the existing restrictions on West Hollywood and Plummer Park, while maintaining the optional park reservation system for park users desiring to reserve a socially distanced space at the park.
E. Additionally, based on feedback from the business community, Executive Orders 2020-3 and 2020-11 should be clarified that the deferral of payment for parking credits applies to new and existing businesses.

F. During the pendency of the local emergency and statewide state of emergency, the Director of Emergency Services is empowered: “[to] make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council. . .” under Section 2.80.060 A.(6)(a) of the West Hollywood Municipal Code.

G. This Order is adopted pursuant to the City’s police powers and powers afforded to the City in time of national, state, county and local emergency during an unprecedented health pandemic, such powers being afforded by the State Constitution, State law, and the Chapter 2.80 of the West Hollywood Municipal Code to protect the peace, health, and safety of the public, and to protect life and property as affected by the emergency, in that this order allows reopening of West Hollywood and Plummer Park, subject to park rules intended to prevent the spread of COVID-19 and to clarify business relief measures that defer parking credit payments and allow new businesses to open quickly and support the local economy.

NOW, THEREFORE, I, Paul Arevalo, the Director of Emergency Services for the City of West Hollywood, 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:

SECTION 2. Emergency Measures.

A. Plummer Park and West Hollywood Park will be reopened to public visitors as follows:

   i. Park visitors may access city parks as follows:

      1. Park recreation spaces are available for public use at Plummer Park and West Hollywood Park by optional reservation. The reservation spaces are located on the Vista Lawn and Fuller Lawn areas at Plummer Park and on the West Hollywood Park Great Lawn area.

      2. Reservation areas will be spray painted on the grass and numbered.

      3. Individuals can book a space in any location for a two hour block between 9am-7pm.
4. In addition to optional reservation spaces, park visitors may also use non-reserved park areas without a reservation for passive recreation on a drop-in basis. Use of all city parks, whether by reservation or on a drop-in basis, is subject to the following guidelines, which replace and repeal the guidelines in Executive Orders 2020-07 and 2020-10, and are subject to any other applicable city, county or state requirements:

   a. Physical distancing of 6 feet between groups that are not part of the same household is required. Avoid crowded areas.

   b. Organized activities and group fitness classes, yoga instruction, dog training and personal training sessions are not permitted in any city park, including neighborhood parks.

   c. Face coverings are required under Executive Order 2020-03, and as may be amended.

   d. Water fountains shall remain closed. Members of the public are encouraged to bring water from home.

   e. Bathrooms remain closed.

   f. Visitors shall leave the area clean and remove all personal items and trash before leaving park.

   g. Playground and exercise equipment remain closed.

ii. Dog parks and tennis operations will remain open, provided that the participants follow the applicable rules established for safe use of dog parks and safe tennis operations, as follows:

   1. The tennis courts in West Hollywood Park and Plummer Park are open, subject to compliance with the LA County “Tennis Reopening Guidelines” (which were last revised on 5/12/20). In accordance with City Manager Executive Order 2020-03, face coverings are required at all times except during singles play.

   2. Dog park visitors at all dog parks are subject to the following guidelines, which replace and repeal the guidelines in Executive Orders 2020-07 and 2020-10, and are subject to any other applicable city, county or state requirements:

      a. Face coverings are required under Executive Order 2020-03 and as may be amended.
b. Balls, toys, and any other shared equipment are not permitted.

c. Physical distancing of 6 feet is required between groups that are not part of the same household. Avoid crowded areas.

d. Water stations remain shut off.

e. Visitors shall leave the area clean and remove all personal items and trash before leaving park.

B. Executive Orders 2020-3 and 2020-11 are hereby clarified that the deferral of payment for parking credits applies to new and existing businesses. New businesses shall comply with all requirements for securing parking credits, except that the payment for the parking credits is deferred until December 31, 2020.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this order is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the remaining provisions of this order.

SECTION 4. Effective Date and Termination. This Order shall become effective immediately and shall continue until the earlier to occur of: (1) the conclusion of the local emergency; (2) its termination is ordered by the City Manager/Director of Emergency Services; or (3) it is duly terminated by the City Council. The Order may also be superseded by a duly enacted ordinance or order of the City Council expressly superseding this Order.

ORDERED by the City Manager/Director of Emergency Service this 8th day of September, 2020.

Paul Arevalo, City Manager and Director of Emergency Services
City of West Hollywood

Yvonne Quarker, City Clerk
RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD RATIFYING EMERGENCY MEASURES TO PREVENT THE SPREAD OF COVID-19 RELATED TO REOPENING OF CITY PARKS

The City Council of the City of West Hollywood does hereby find, order, and resolve as follows:

SECTION 1. For the reasons set forth in the Order, the City Manager/Director of Emergency Services’ Executed Order 2020-12, dated September 8, 2020, ordering the reopening of Plummer Park and West Hollywood Park and clarifying provisions of Executive Orders 2020-3 and 2020-11 related to the deferral of payment for parking credits, is hereby ratified.

PASSED, APPROVED, AND ADOPTED this 21st day of September, 2020.

__________________________________________
MAYOR

__________________________________________
CITY CLERK

ATTEST: