STATEMENT ON THE SUBJECT:
The City Council will consider directing staff to work with the Business License Commission during the COVID-19 public health emergency to keep businesses and the public informed of relevant public health orders and local enforcement measures by holding a public hearing, providing regular updates to the Commission, and providing opportunities for workers and members of the public to participate in this public process. This direction is intended to serve as part of the City’s local compliance program and help enforce adherence to the Los Angeles County Health Officer’s Order (HOO).

RECOMMENDATIONS:
1. Direct staff to work with the Business License Commission during the COVID-19 public health emergency to keep businesses, workers, and the public informed of relevant Health Officer’s Orders (HOO) and local enforcement/compliance efforts through the following actions:
   a. Hold a public hearing at a Business License Commission meeting regarding the current public health orders impacting businesses in West Hollywood.
   b. Provide regular updates to the Business License Commission on local enforcement of the public health orders and compliance and set up a public hearing process to review businesses that are not in compliance with public health emergency orders.
   c. Provide the opportunity for workers and other members of the public to give public comment at Business License Commission meetings if there are concerns regarding businesses' compliance with public health orders.
2. Provide a report back to the City Council after 60 days on the status of this enhanced compliance and reporting structure and any relevant updates from Los Angeles County.
BACKGROUND / ANALYSIS:
The City of West Hollywood has proclaimed a local emergency due to COVID-19. The Los Angeles County Department of Public Health, the California Department of Public Health, and the Centers for Disease Control and Prevention serve as the lead agencies. The City has followed and adopted the LA County Public Health Orders regarding business closures and reopening protocols and the City’s Code Compliance Division has provided oversight of business compliance.

The Los Angeles County Board of Supervisors is considering a motion to establish public health councils as a means to assist the Los Angeles County Department of Public Health (DPH) with monitoring the compliance of the Health Officer’s Order (HOO) in places of employment across Los Angeles County. Because DPH does not have the capacity needed to inspect and monitor all businesses throughout the County on a regular basis in order to ensure consistent and universal compliance, the Board of Supervisors is considering this mechanism that enables workers to monitor and report instances of non-compliance with public health requirements in their workplaces. The public health councils would be comprised of employees at their worksites in partnership with third party worker and community-based organizations certified by DPH to monitor, document, and report any violations of the County’s HOOs and guidelines.

As the County is considering this system of monitoring and compliance, West Hollywood has established an operational protocol so that the City’s Code Compliance Division works with businesses directly to ensure they comply with the HOOs. In June 2020, the West Hollywood City Council adopted an urgency ordinance to allow Code Enforcement Officers to issue administrative citations to businesses that are not in compliance with the HOOs. This enforcement structure has allowed the City to focus on education and awareness, provide warnings to businesses that are not in compliance, and when necessary, issue violations. Businesses have been mostly responsive to the feedback and notices to correct violations as directed by Code Compliance officers. In some rare cases, Code officers have had to issue administrative citations, but generally the City maintains a strong relationship with the business community and issues have been resolved before it got to that point.

The City has taken a proactive approach to ensure that local businesses remain in compliance with HOOs. The City’s Code Enforcement program is a resource and an authority at the local level to ensure businesses remain in compliance. In order to expand the City’s local monitoring and compliance program and to provide a local reporting protocol for workers and members of the public, this item provides direction to staff to include the Business License Commission in this proactive approach by allowing the Commission to serve as the public body to receive regular staff updates and public comment about the City’s enforcement and compliance efforts. Specifically, this item directs staff to take the following actions:
1. Hold a public hearing at a Business License Commission meeting regarding the current public health orders impacting businesses in West Hollywood.

2. Provide regular updates to the Business License Commission on local enforcement of the public health orders and compliance.

3. Provide the opportunity for workers and other members of the public to give public comment at Business License Commission meetings if they have concerns regarding businesses’ compliance with public health orders.

This will allow businesses, workers, and other members of the public to remain informed of relevant public health orders and local enforcement/compliance efforts. It will also provide the public, including workers, a public forum to voice concerns about businesses or experiences in the City that may be in violation of the County’s HOOs. All West Hollywood businesses and workers are included in this process and invited to participate by viewing the meetings and providing public comment.

This item will enhance the City’s local efforts to ensure compliance with the County HOOs. The intent is for this to fulfill the County’s desire to ensure enforcement and adherence to the HOOs at the local level. Through this action, the City’s local efforts and experience can serve as a model to other jurisdictions. West Hollywood will advocate for the County to allow cities with local resources and similarly established public reporting processes in place to serve as their local public health councils in consortium with employees and in partnership with the County and DPH. Using the Code Compliance system along with the proposed enhanced role of the Business License Commission, the City is best positioned to hear worker concerns and negotiate business/worker/community solutions.

According to the West Hollywood Municipal Code Section 2.32.080, the Business License Commission is required to:

a. Hold hearings as required by Title 5 of the West Hollywood Municipal Code, to determine whether to grant, deny, modify, suspend or revoke business licenses, except hearings relating to the granting, denial, modification, suspension or revocation of taxicab licenses.

b. Consider and recommend to the City Council adoption of amendments to the Business License Ordinance and other ordinances and resolutions pertaining to business regulation.

c. Perform such other tasks as directed by the City Council.

The intent of the Business License Commission meetings is to provide an opportunity for the Commissioners and the public to address issues currently faced by the business community. Typically, the Business License Commission meets as necessary, and only when a hearing or appeal is being held. Usually, the Commission meets one to three times per year. In recent years, the Business License Commission has been more active
than usual as it has been responsible for reviewing and approving licenses for cannabis businesses in the City. This item gives direction for the Business License Commission to meet more regularly during the COVID-19 public health emergency to help enforce local efforts with enforcement and reporting.

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-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- ED-4: Monitor and evaluate economic conditions affecting the City’s economic climate.
- G-2: Maintain transparency and integrity in West Hollywood’s decision-making process.

EVALUATION PROCESSES:
Staff will return to Council within 60 days with a report on the status of this enhanced compliance and reporting structure. Staff will evaluate the program’s effectiveness in keeping the community informed of the current HOOs, providing direction to businesses, and providing an opportunity for workers and members of the public to engage on this topic.

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:
N/A

COMMUNITY ENGAGEMENT:
This item provides direction for the Business License Commission to serve as a public body to receive public comment from community members about issues or concerns regarding businesses’ compliance with public health orders.

OFFICE OF PRIMARY RESPONSIBILITY:
DEPARTMENT OF PUBLIC WORKS / CODE COMPLIANCE DIVISION

FISCAL IMPACT:
None at this time.