

RESOLUTION NO. 20-0051

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL CONFIRMING THE DIRECTOR OF EMERGENCY SERVICES ORDERS ISSUED DURING THE LOCAL EMERGENCY PROCLAIMED TO ADDRESS COVID-19

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”);

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency, so long as such rules and regulations are “confirmed at the earliest practicable time” by the City Council;

WHEREAS, on March 13, 2020, the Director of Emergency Services ordered the closure of City governmental structures and facilities such as Manhattan Beach City Hall, Joslyn Community Center, Manhattan Heights Community Center, Scout House, and the City Public Works Yard;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the “County Safer at Home Order”). The County Safer at Home Order was initially effective until March 31, 2020;

WHEREAS, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U which, among other things, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

WHEREAS, on March 19, 2020, the Director of Emergency Services ordered the closure of Manhattan Beach Pier and all City parks, fields, sports courts, exercise equipment, and other recreational facilities;

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 (the "State Stay at Home Order");

WHEREAS, on March 24, 2020, the Director of Emergency Services ordered the closure of the parking lots located at El Porto, Bruce's Beach, and the Manhattan Beach Pier, except for City residents who possess valid and current residential parking permits for the relevant lots;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, among other things, required all persons and businesses to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the Los Angeles County Department of Public Health issued a Health Officer Order closing, among other things, all County beaches;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, among other things, amended Ordinance No. 20-0014-U to clarify that all persons and businesses must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, on March 27, 2020, the Director of Emergency Services ordered the closure of the beach walking path known as the Strand in conjunction with the County's closure of the adjacent County beaches;

WHEREAS, on April 3, 2020, the Director of Emergency Services issued Emergency Order No. 1, which is attached herein at Exhibit "A" and incorporated by reference, to require COVID-19 safety measures at construction sites;

WHEREAS, on April 8, 2020, the Director of Emergency Services issued Emergency Order No. 2, which is attached herein at Exhibit "B" and incorporated by reference, to memorialize the closures of certain City spaces, parks, and facilities that he initially ordered on March 19, 2020, March 24, 2020, and March 27, 2020;

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health extended the County Safer at Home Order until May 15, 2020;

WHEREAS, on April 17, 2020, the Director of Emergency Services issued Emergency Order No. 3, which is attached herein at Exhibit "C" and incorporated by reference, to extend the closure of City governmental structures and facilities such as Manhattan Beach City Hall, Joslyn Community Center, Manhattan Heights Community Center, Scout House, and the City Public Works Yard until the later of May 15, 2020, or any subsequent applicable extensions, revisions, or amendments of the County Safer at Home Order;

WHEREAS, on April 22, 2020, the Director of Emergency Services issued Emergency Order No. 4, which is attached herein at Exhibit "D" and incorporated by reference, to partially reopen Polliwog Park on a trial basis, subject to the requirement that all park visitors must wear face coverings and practice social distancing;

WHEREAS, on April 24, 2020, the Director of Emergency Services issued Emergency Order No. 5, which is attached herein at Exhibit "E" and incorporated by reference, to prohibit restaurants, bars, nightclubs, and similar businesses from providing any alcohol to a customer prior to providing the meal prepared for delivery, pick-up, and drive-thru;

WHEREAS, on April 29, 2020, the Director of Emergency Services issued Emergency Order No. 6, which is attached herein at Exhibit "F" and incorporated by reference, to amend Emergency Order No. 4 by lifting the requirement that all visitors to Polliwog Park must wear face coverings;

WHEREAS, on May 8, 2020, the Director of Emergency Services issued Emergency Order No. 7, which is attached herein at Exhibit "G" and incorporated by reference, to partially reopen Live Oak and Sand Dune Parks.

WHEREAS, in the interest of the public health and safety, as affected by the emergency caused by the spread of COVID-19, it is necessary for the City Council to confirm Director of Emergency Services Orders issued during the local emergency proclaimed to address COVID-19 in accordance with Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code.

NOW, THEREFORE, THE MANHATTAN BEACH CITY COUNCIL DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Resolution by reference.

Section 2. The City Council hereby confirms the Director of Emergency Services Orders issued during the local emergency proclaimed to address COVID-19.

Section 3. If any section, subsection, sentence, clause, or phrase of this Resolution or the emergency orders confirmed herein 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 Resolution or the emergency orders. The City Council hereby declares that it would have passed this Resolution and confirmed the emergency orders and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of such Resolution or the emergency orders would be subsequently declared invalid or unconstitutional.

Section 4. The City Clerk shall certify to the passage and adoption of this Resolution.

ADOPTED on May 12, 2020.

RICHARD MONTGOMERY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney

APPROVED AS TO CONTENT:

BRUCE MOE
City Manager

Exhibit “A”

Emergency Order No. 1

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 1**

**REQUIRING COVID-19 MEASURES AT CONSTRUCTION SITES
EFFECTIVE APRIL 4, 2020 AT 12:01 a.m.**

Date of Order: April 3, 2020

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”);

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U and Advisory Resolution No. 20-0040 which, *inter alia*, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

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 (the “State Stay at Home Order”);

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;

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;

WHEREAS, both the State Stay at Home Order and the County Department of Public Health's Safer at Home Order identify construction, operation, inspection and maintenance of construction sites and construction projects (including housing construction) as an essential business that may continue to operate under these orders;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, *inter alia*, required essential businesses, including construction businesses, to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, *inter alia*, amended Ordinance No. 20-0014-U to clarify that essential businesses, including construction businesses, must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, the County Department of Public Health's Safer at Home Order directs all essential businesses, including construction 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;

WHEREAS, as of April 3, 2020, the Los Angeles County of Public Health has confirmed 4,566 cases of COVID-19 in Los Angeles County and that number is expected to continue to rise;

WHEREAS, the act and process of construction may necessitate workers to work together or assist each other within distances of less than the recommended social distancing of 6 feet;

WHEREAS, to ensure that construction workers at 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, it is necessary to put in place additional measures at construction sites to ensure compliance;

WHEREAS, the City Manager is the Director Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to "make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency", so long as such rules and regulations are "confirmed at the earliest practicable time" by the City Council; and

WHEREAS, in the interest of the 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 Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. The property owner and contractor (collectively the "Contractor") at any property within the City of Manhattan Beach at which construction work is occurring ("Construction Site") shall develop a comprehensive COVID-19 exposure control plan, which includes control measures such as social distancing, symptom checking, hygiene, decontamination procedures, and training ("Exposure Control Plan" or "Plan"). The Exposure Control Plan shall contain at a minimum the measures detailed in this Order and such measures must be followed to prevent any onsite worker from contracting COVID-19. Upon the City's request, the contractor shall submit the Plan to the City. Failure to comply with this Order shall be deemed as creating unsafe conditions and may result in withheld inspections or the closure of the Construction Site until corrected.

Section 3. The Contractor shall institute the following measures which shall be included in the Exposure Control Plan.

A. The Contractor shall post at the Construction Site, in areas visible to all workers, required hygienic practices including: (i) not touching one's face with unwashed hands or with gloves; (ii) washing one's hands often with soap and water for at least 20 seconds or use of hand sanitizer with at least 60% alcohol; (iii) cleaning and disinfecting frequently touched objects and surfaces including shared tools and equipment; and (iv) covering one's mouth and nose when coughing or sneezing as well as other hygienic recommendations by the Centers for Disease Control ("CDC").

B. The Contractor shall install hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol in multiple locations at the Construction Site (including at each entrance to the Construction Site) and shall ensure that the facilities remain adequately stocked during all times of construction activity.

C. The Contractor shall not permit sharing of tools or equipment.

D. The Contractor shall also establish a schedule for cleaning and disinfecting frequently touched objects and surfaces and maintain a log of the established cleaning schedule which shall be made available to the City upon request.

E. The Contractor shall instruct its workers and other members of the public at the Construction Site to maintain social distancing to the greatest extent possible by maintaining a minimum 6-foot distance from one another at all times, except as specified in Subsection (F) below. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site as well as throughout the site instructing workers and other members of the public of this requirement.

F. The Contractor or the owner, manager, or operator of any business that, as its primary operation, is engaged in construction work at the Construction Site shall ensure that its employees or independent contractors are provided personal protective equipment ("PPE")

such as gloves, goggles, face shields and face masks to comply with the provisions of this Order and as is appropriate for the activity being performed at the Construction Site. Workers needing close contact (less than 6-feet) in order to perform their work duties shall be required to wear Personal Protective Equipment (PPE) such as face masks, eye protection, and gloves.

G. The Contractor shall instruct its workers and other members of the public at the Construction Site against gathering in groups of any size, including gathering on site for lunch and other breaks. The Contractor shall ensure that, anytime two or more people must meet, such persons maintain a distance of six feet from one another at all times.

H. The Contractor shall: (i) identify “choke points” and “high-risk areas” where workers are forced to stand together, such as hallways, hoists and elevators, break areas, and buses, and control them so that social distancing of six feet from one another is maintained; (ii) minimize interactions when picking up or delivering equipment or materials so that social distancing of six feet from one another is maintained; and (iii) stagger the trades as necessary to reduce density so that social distancing of six feet from one another is maintained.

I. For sites with more than 4 workers, the Contractor shall designate a person as the Construction Site COVID-19 Supervisor to enforce this Order. The designated COVID-19 Supervisor shall be present on the Construction Site at all times during construction activities. The COVID-19 Supervisor can be an on-site worker who is designated to carry this role.

J. The Contractor shall prohibit anyone entering the Construction Site if they are experiencing signs of illness, including respiratory illness, fever or cough or if the contractor knows or has reason to know such person has been in recent close contact with someone with laboratory confirmed COVID-19. The Contractor shall also require anyone working or visiting the Construction Site to return home if such person is experiencing signs of illness, including respiratory illness, fever or cough. The Contractor shall post a sign in a conspicuous place at each pedestrian entrance to the Construction Site instructing workers and other members of the public of these requirements.

K. The Contractor shall require anyone working at the Construction Site to stay home if they are sick, except to obtain medical care.

L. The Contractor shall require anyone working at the Construction Site to inform their supervisor if they have been exposed to COVID-19 or has a sick family member or other person at home with COVID-19.

M. The Contractor shall take all appropriate steps, if individuals are residing at the Construction Site, 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 and 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 to the City upon request.

N. The Contractor shall maintain a daily attendance log of all workers and visitors.

Section 4. The property owner of the Construction Site and their contractor(s) are legally responsible for compliance with this Order. Manhattan Beach staff will verify compliance with this Order during regular scheduled inspections for projects under construction as well as in response to complaints that may be submitted to the City by email to code@citymb.info. This Order authorizes the City's building official or designee to issue a stop work order at a Construction Site at which workers are in violation of Sections 2 and 3 of this Order by giving notice in writing to the COVID-19 Supervisor, the Contractor or to persons engaged in the doing or causing such work to be done at the Construction Site. No person shall fail to comply with such a stop work order if issued by the City.

Section 5. Any violation of this Order may be determined to be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 and 1.06 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable.

Section 6. This Order is based on the CDC's Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19), OSHA's Guidance on Preparing Workplaces for COVID-19, and other publications. Please check <https://www.citymb.info/services/learn-about/coronavirus> for the latest updates.

Section 7. This Order shall take effect on April 4, 2020, at 12:01 a.m.

Executed on April 3, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

Exhibit “B”

Emergency Order No. 2

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 2**

**ORDER RE CLOSURE OF THE PIER, THE STRAND, PARKS, AND DESIGNATED
PARKING LOTS
EFFECTIVE MARCH 27, 2020 AT 12:01 a.m.**

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”);

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, on March 17, 2020, the City Council ratified Resolution No. 20-0039;

WHEREAS, on March 17, 2020, the City Council adopted Ordinance No. 20-0013-U which, *inter alia*, adopted by reference the County Order, imposed regulations regarding social distancing, and recommended additional social distancing practices;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, on March 19, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of Manhattan Beach Pier and all City parks, fields, sports courts, exercise equipment, and other recreational facilities;

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 (the “State Stay at Home Order”);

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;

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;

WHEREAS, on March 24, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the parking lots located at El Porto, Bruce's Beach, and the Manhattan Beach Pier, except for City residents who possess valid and current residential parking permits for the relevant lots;

WHEREAS, on March 25, 2020, the City Council adopted Ordinance No. 20-0014-U which, *inter alia*, required all persons and businesses to comply with health and safety measures required by a state or county order related to COVID-19;

WHEREAS, on March 27, 2020, the Los Angeles County Department of Public Health issued a Health Officer Order closing, among other things, all County beaches;

WHEREAS, on March 27, 2020, the City Council adopted Ordinance No. 20-0015-U which, *inter alia*, amended Ordinance No. 20-0014-U to clarify that all persons and businesses must also comply with health and safety measures required by state or county guidelines related to COVID-19;

WHEREAS, on March 27, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the beach walking path known as the Strand in conjunction with the County's closure of the adjacent County beaches;

WHEREAS, as of April 7, 2020, the Los Angeles County Department of Public Health has confirmed 6,910 cases of COVID-19 in Los Angeles County and that number is expected to continue to rise;

WHEREAS, the City's public spaces, parks, and facilities continue to attract groups of people who often fail to comply with health and safety measures required by state or county order or guidelines related to COVID-19;

WHEREAS, this Emergency Order No. 2 memorializes the closures of certain City spaces, parks, and facilities that I initially ordered on March 19, 2020, March 24, 2020, and March 27, 2020; and

WHEREAS, in the interest of the 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 Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. The following City spaces, parks, and facilities are closed until further notice:

A. Manhattan Beach Pier.

B. All City parks, fields, sports courts, exercise equipment, and other recreational facilities.

C. The parking lots located at El Porto, Bruce's Beach, and the Manhattan Beach Pier, provided, however, that this closure shall not apply to City residents who possess valid and current residential parking permits for the relevant lots. Such lots are more specifically described as:

- El Porto Lot (APNs: 4137013906, 4137013907, 4137013908)
- County Lots at 26th Street Lot (APNs: 4177024900, 4177024902)
- State Pier Lots (APNs: 4179019905, 4179022900, 4179031903)

D. The beach walking path known as the Strand, as further defined in Manhattan Beach Municipal Code Section 12.12.010.

Section 3. Any violation of this Order is a misdemeanor and punishable by a fine of \$1000 or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable. In accordance with Municipal Code Chapter 1.06, the City, at its sole discretion, may prosecute any violation through the administrative process set forth therein.

Executed on April 8, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

Exhibit “C”

Emergency Order No. 3

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 3**

**EXTENDING CLOSURE OF CITY HALL AND CITY FACILITIES TO MAY 15, 2020,
CONSISTENT WITH THE LOS ANGELES COUNTY SAFER AT HOME ORDER, AS
REVISED, SUBJECT TO FURTHER COUNTY REVISIONS, EXTENSIONS AND
AMENDMENTS**

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”);

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, on March 13, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of the City governmental structures and facilities such as Manhattan Beach City Hall, Joslyn Community Center, Manhattan Heights Community Center, Scout House, and the City Public Works Yard (“Closed Governmental Structures and Facilities”), except for public safety facilities;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the “County Safer at Home Order”). The County Safer at Home Order was initially effective until March 31, 2020;

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health extended the County Safer at Home Order until May 15, 2020;

WHEREAS, to be consistent with the County Safer at Home Order, I deem it appropriate to extend the closure of Closed Governmental Structures and Facilities until the later of May 15, 2020, or any subsequent applicable extensions, revisions, or amendments of the County Safer at Home Order; and

WHEREAS, in the interest of the 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 Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. The closure of Closed Governmental Structures and Facilities is extended until the later of May 15, 2020, or any subsequent applicable extensions, revisions, or amendments of the County Safer at Home Order.

Executed on April 17, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

Exhibit “D”

Emergency Order No. 4

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 4**

**PARTIAL REOPENING OF POLLIWOG PARK ON A TRIAL BASIS, REQUIRING FACE
COVERINGS, AND RESTATING THE CITY'S EXISTING SOCIAL DISTANCING
REQUIREMENTS**

EFFECTIVE APRIL 25, 2020, AT 6:30 A.M.

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");

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the "County Safer at Home Order"). The County Safer at Home Order was initially effective until March 31, 2020;

WHEREAS, on March 19, 2020, acting under the authority vested in me as the Director of Emergency Services, I ordered the closure of Manhattan Beach Pier and all City parks, fields, sports courts, exercise equipment, and other recreational facilities;

WHEREAS, on March 25 and March 27, 2020, the City Council adopted ordinances which required all persons and businesses to comply with social distancing requirements and other health and safety measures required by a state or county order or guidelines related to COVID-19;

WHEREAS, on April 10, 2020, the Los Angeles County Department of Public Health extended the County Safer at Home Order until May 15, 2020;

WHEREAS, on April 22, 2020, after receiving considerable public input, the City Council had a robust discussion at its duly noticed City Council meeting regarding the gradual reopening of certain public facilities, including Polliwog Park, subject to restrictions;

WHEREAS, at the conclusion of its April 22, 2020 meeting, the City Council voted to direct me to reopen sections of Polliwog Park, require face coverings, and maintain the City's existing social distancing requirements; and

WHEREAS, in the interest of the 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 Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services hereby orders the following, effective April 25, 2020, at 6:30 a.m.:

- A. The park commonly known as Polliwog Park, located at 1601 Manhattan Beach Boulevard, is reopened on a trial basis, subject to the following limitations:
 1. Only the green spaces within Polliwog Park are reopened.
 2. All other sections of Polliwog Park – including but not limited to all restrooms, courts, sports fields, picnic pads, playground equipment, and dog runs – remain closed.
- B. Prior to entering Polliwog Park, all persons shall wear a face covering that covers the nose and mouth and wear such face covering at all times within the Park.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still valid.
- D. Please note that the County of Los Angeles has issued guidance for cloth face coverings at this link
<http://publichealth.lacounty.gov/media/Coronavirus/GuidanceClothFaceCoverings.pdf>
including the following guidance with respect to children:

"Children under the age of 2 (including infants) should not wear cloth face coverings. Those between the ages of 2 and 8 should use them but under adult

supervision to ensure that the child can breathe safely and avoid choking or suffocation. Children with breathing problems should not wear a face covering."

Executed on April 22, 2020.

/s/ Bruce Moe

City Manager Bruce Moe

Director of Emergency Services

Exhibit “E”

Emergency Order No. 5

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES ORDER NO. 5**

PROHIBITING RESTAURANTS, BARS, NIGHTCLUBS, AND SIMILAR BUSINESSES FROM PROVIDING ANY ALCOHOL TO A CUSTOMER PRIOR TO PROVIDING THE MEAL PREPARED FOR DELIVERY, PICK-UP, AND DRIVE-THRU, AND REQUIRING SUCH ESTABLISHMENTS TO MONITOR CUSTOMERS WAITING FOR FOOD TO ENSURE THAT NO ONE IS CONSUMING ALCOHOL ON OR ADJACENT TO THE PREMISES

EFFECTIVE APRIL 25, 2020, AT 12:01 A.M.

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”);

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;

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;

WHEREAS, on March 13, 2020, the City Council adopted Resolution No. 20-0039, A Resolution of the City Council of the City of Manhattan Beach Proclaiming the Existence of a Local Emergency;

WHEREAS, the City Manager is the Director of Emergency Services in the City of Manhattan Beach. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a, the City Manager as the Director of Emergency Services is empowered during a local emergency to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

WHEREAS, on March 16, 2020, the Los Angeles County Department of Public Health issued the Safer at Home Order for Control of COVID-19, which was subsequently amended and revised (the “County Safer at Home Order”);

WHEREAS, on March 25 and March 27, 2020, the City Council adopted Ordinance Nos. 20-0014-U and 20-0015-U which require all persons and businesses to comply with social distancing requirements and other health and safety measures required by a state or county order or guidelines related to COVID-19;

WHEREAS, Ordinance Nos. 20-0014-U and 20-0015-U also require all restaurants, bars, nightclubs, and similar businesses that serve food and alcohol to comply with the “Notice of Regulatory Relief” issued by the California Department of Alcoholic Beverage Control (the

“ABC”), including the requirements that any alcoholic beverages sold by such establishments must be (1) sold in conjunction with the sale of food prepared for off-site consumption, and (2) “packaged in a container with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap (e.g., no lids with sipping holes or openings for straws).”;

WHEREAS, in addition, the ABC requires such establishments to prominently post the following warning in a manner that puts consumers on notice of limitations regarding open container laws: “Alcoholic beverages that are packaged by this establishment are open containers and may not be transported in a motor vehicle except in the vehicle’s trunk; or, if there is no trunk, the container may be kept in some other area of the vehicle that is not normally occupied by the driver or passengers (which does not include a utility compartment or glove compartment (Vehicle Code Section 23225)). Further, such beverages may not be consumed in public or in any other area where open containers are prohibited by law.”;

WHEREAS, the City has received reports that some restaurants, bars, nightclubs, and similar businesses which serve food and alcohol for off-site consumption are providing alcohol to customers while they are waiting for their meal to be ready, and that customers are – in violation of existing state and local laws prohibiting open containers of alcohol and consuming alcohol in public – opening the alcohol container and consuming the alcohol; and

WHEREAS, in the interest of the 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 Chapter 3.08 of the Manhattan Beach Municipal Code, Manhattan Beach City Council Resolution No. 20-0039, and the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, to issue this order.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are incorporated into this Order by reference.

Section 2. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and consistent with City Council direction, the City Manager as the Director of Emergency Services hereby orders the following:

- A. All restaurants, bars, nightclubs, and similar businesses that serve food and alcohol via delivery, pick-up, or drive-thru shall not provide any alcohol to a customer prior to providing the meal prepared for delivery. All alcohol shall be provided to the customer concurrently with the delivery of food.
- B. All such establishments have a duty to monitor customers waiting for food to ensure that no one is consuming alcohol on or adjacent to the premises.

Section 3. Any violation of this Order may be determined to be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665 and Chapters 1.04 and 1.06 of the Manhattan Beach Municipal Code, and any other state or city law as may be applicable.

Section 4. This Order shall take effect on April 25, 2020, at 12:01 a.m., subject to confirmation as soon as practicable by the City Council.

Executed on April 24, 2020.

/s/ Bruce Moe

City Manager Bruce Moe
Director of Emergency Services

Exhibit “F”

Emergency Order No. 6

**CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 6 MODIFYING
EMERGENCY ORDER NO. 4 TO LIFT FACE COVERINGS REQUIREMENT WHILE VISITING
POLLIWOG PARK**

EFFECTIVE APRIL 30, 2020, AT 12:01 A.M.

RECITALS

- A. Pursuant to his authority as the Director of Emergency Services, the City Manager issued Emergency Order No. 4 on April 22, 2020, to partially reopen Polliwog Park on a trial basis, subject to the requirement that all park visitors must wear face coverings and practice social distancing.
- B. On April 29, 2020, the City Council directed the City Manager to remove the mandatory face covering requirement for visitors to Polliwog Park.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 4 to lift the requirement that face coverings be worn while visiting Polliwog Park.

Section 2. Visitors to Polliwog Park shall practice social distancing requirements as previously required by the state, County of Los Angeles, and City of Manhattan Beach, including that persons must be at least six feet apart from other persons who do not reside in the same dwelling unit. The City still strongly encourages people to wear face coverings in Polliwog Park and other public places. Additionally, pursuant to the County of Los Angeles Public Health Order, face coverings shall be worn while visiting essential businesses and by employees of essential businesses who interact with the public or each other.

Section 4. This Order shall take effect on April 30, 2020, at 12:01 a.m.

Executed on April 29, 2020.

/s/ Bruce Moe

City Manager Bruce Moe
Director of Emergency Services

Exhibit “G”

Emergency Order No. 7

CITY OF MANHATTAN BEACH
DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 7 MODIFYING
EMERGENCY ORDER NO. 2 TO PARTIALLY REOPEN LIVE OAK PARK AND SAND DUNE
PARK

EFFECTIVE MAY 8, 2020

A. Pursuant to his authority as the Director of Emergency Services, the City Manager issued Emergency Order No. 2 on April 8, 2020, closing City spaces, park, and facilities.

B. On May 5, 2020, the City Council directed the City Manager to partially reopen Live Oak Park and Sand Dune Park.

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

Section 1. Pursuant to Manhattan Beach Municipal Section 3.08.060.A.6.a and City Council direction, the City Manager as the Director of Emergency Services hereby amends Emergency Order No. 2 to partially reopen the parks commonly known as Live Oak Park and Sand Dune Park as follows:

- A. Only the green spaces and walkways within the parks are reopened.
- B. All other sections of Live Oak Park and Sand Dune Park – including but not limited to all restrooms, courts, sports fields, picnic pads, playground equipment, and dog runs – remain closed. The sand dune and the adjacent stairway descending from the top of the hill at Sand Dune Park remain closed. Dorsey Field adjacent to Live Oak Park likewise remains closed.
- C. The social distancing requirements set forth in Ordinance Nos. 20-0014-U and 20-0015-U are still in effect.

Executed on May 8, 2020.

/s/ Bruce Moe

City Manager Bruce Moe
Director of Emergency Services