



Mendocino County

Legislation Details (With Text)

File #: 20-0296 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 3/30/2020 **In control:** County Counsel
On agenda: 3/31/2020 **Final action:**
Title: OFF AGENDA ITEM: Pursuant to Government Code Section 54954.2 Discussion and Possible Action Including Adoption of Urgency Ordinance Adopting Administrative Penalties For Violations of the County Health Officer's Orders Pertaining to the COVID-19 Pandemic
Sponsors: County Counsel
Indexes:
Code sections:
Attachments: 1. Ordinance 4461, 2. Urgency Ordinance-Admin. Penalties for COVID-19 Related Violations as amended, 3. 3.12.20-EO-N-25-20-COVID-19, 4. Draft Urgency Ordinance-Admin. Penalties for COVID-19 Related Violations

Date	Ver.	Action By	Action	Result
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TO: Board of Supervisors
FROM: County Counsel Choose an item.
MEETING DATE: March 31, 2020

DEPARTMENT CONTACT:
Christian Curtis
PHONE:
234-6885
DEPARTMENT CONTACT:
PHONE:

ITEM TYPE: Regular Agenda

TIME ALLOCATED FOR ITEM: 30 min

AGENDA TITLE:
OFF AGENDA ITEM: Pursuant to Government Code Section 54954.2 Discussion and Possible Action Including Adoption of Urgency Ordinance Adopting Administrative Penalties For Violations of the County Health Officer's Orders Pertaining to the COVID-19 Pandemic

RECOMMENDED ACTION/MOTION:
1) Hear Off Agenda item pursuant to Government Code 54954.2 and move that this item will be added to the agenda as item 8a); and introduce, waive reading of, and adopt Urgency Ordinance adopting administrative penalties for violations of the County Health Officer's orders pertaining to the COVID-19 pandemic; and authorize Chair to sign same.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

None.

SUMMARY OF REQUEST:

On March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in the State of California related to the COVID-19 pandemic. On this same day, the County of Mendocino Health Officer, Dr. Noemi Doohan, declared a local health emergency. On March 10, 2020, the Board of Supervisors of the County of Mendocino ratified the local emergency related to COVID-19 as proclaimed by the Chief Executive Officer/Director of Emergency Services and Ratifying the Existence of a local emergency as proclaimed by the Health Officer. Pursuant to her authority under Health and Safety Code sections 101040, 101080, and 120175, Dr. Doohan has subsequently issued a series of Health Officer Orders intended to slow transmission of the virus to protect the public health. These orders include a requirement that all persons in Mendocino County shelter in place except to perform certain essential activities.

Currently, violation of the Health Officer's Orders can be enforced by local law enforcement agencies as a misdemeanor. Local law enforcement, however, has limited resources, and will need to perform additional critical functions as this emergency continues. The Mendocino County Sheriff has inquired about using Code Enforcement or other County staff to assist in enforcement. In order for Code Enforcement to assist, the Board of Supervisors would first need to enact an ordinance extending its current administrative penalties mechanism to violations of the Health Officer Orders.

This proposed ordinance would cause any violation of a COVID-19 related Health Officer Order to also be a violation of local ordinance, and thus allow Mendocino County Code Enforcement to impose administrative penalties and any person or business who fails to comply with the Order after receiving notice that they are non-compliant and given an opportunity to abate. The proposed ordinance varies from the County's existing administrative penalties ordinance, to account for practical differences in enforcement of the COVID-19 related Health Officer orders from more traditional property related nuisance abatement.

ALTERNATIVE ACTION/MOTION:

Do not adopt Urgency Ordinance.

SUPERVISORIAL DISTRICT: ALL

VOTE REQUIREMENT: Majority

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

FISCAL DETAILS:

SOURCE OF FUNDING: n/a

BUDGETED IN CURRENT F/Y: N/A

CURRENT F/Y COST: n/a

IF NO, PLEASE DESCRIBE:

ANNUAL RECURRING COST: n/a

REVENUE AGREEMENT: N/A

BUDGET CLARIFICATION: n/a

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Carmel J. Angelo, CEO

CEO REVIEW: Choose an item.

CEO COMMENTS:

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Executed By: Lindsey Dunham, Deputy Clerk I

Final Status: ADOPTED

Date: April 6, 2020
Executed Item: ORDINANCE Number: 4461

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