

WEST HOLLYWOOD
DIRECTOR OF EMERGENCY SERVICES

EXECUTIVE ORDER NO. 2020-9

EMERGENCY EXECUTIVE ORDER OF THE CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF WEST HOLLYWOOD, CALIFORNIA, IMPLEMENTING EMERGENCY MEASURES TO ORDER THE CLOSURE OF CITY PARKS IN LIGHT OF NONCOMPLIANCE WITH STATE, COUNTY AND CITY MEASURES ADOPTED TO PREVENT THE FURTHER SPREAD OF COVID-19

SECTION 1. RECITALS

- A. All of the recitals in West Hollywood Director of Emergency Services Executive Order Nos. 2020-1, 2020-2, 2020-3, 2020-4, 2020-7 and 2020-8 remain in effect and are incorporated herein by reference.
- B. As of the date of this Order, the Governor has authorized some limited retail and outdoor recreation venues to reopen and the County of Los Angeles (“County”) updated its Health Officer Order on May 13, 2020 to begin the 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/sanitizing measures to prevent the further spread of COVID-19.
- C. 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.
- D. 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 (Executive Order No. 2020-6).
- E. In recent weeks, however, the State and County have seen a sharp increase in confirmed COVID-19 cases and hospitalizations and evidence demonstrates that the timing of these increases is in line with the reopening of “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.
- F. 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 imposes 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, protests, offices for non-critical infrastructure sectors, personal care establishments, hair salons, barbershops, and malls.

- G. The following day, on July 14, 2020, the County Health Officer issued a revised order to coincide with Governor's July 13th order and requiring the closure of indoor operations of the following establishments: malls, shopping centers, hair salons, barbershops, fitness facilities, and personal care establishments.
- H. 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 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.
- I. The use of face coverings is commonly referred to as "source control" and recent recommendations issued by the Center for Disease Control ("CDC") reaffirms the use of face coverings in reducing the community spread of COVID-19. According to the CDC, laboratory studies demonstrate that cloth face coverings reduce the spray of respiratory droplets that spread the virus. COVID-19 spreads mainly among people who are in close contact with one another (within about 6 feet) so the use of cloth face coverings is particularly important in settings where people are close to each other or where social distancing is difficult to maintain.
- J. There have been 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 have 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 emergency measures below are 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.
- K. 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.

L. 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 closes city parks to prevent the spread of COVID-19.

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.

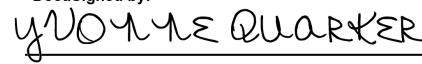
A. Effective on Thursday, July 23, 2020, Plummer Park and West Hollywood Park will be closed. Dog parks and tennis operations will remain open, provided that the participants follow the applicable rules established for safe use of dog parks and safe tennis operations.

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 on: 7/23/2020

DocuSigned by:

7189984BB3D0C Paul Arevalo, City Manager and Director of
Emergency Services
City of West Hollywood

DocuSigned by:

6345485A05194C9 Yvonne Quarker, City Clerk