



# ADMINISTRATIVE ENFORCEMENT OF PUBLIC HEALTH ORDERS

City Council Meeting  
August 11, 2020

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# Current Conditions

- The County of Sonoma and the City of Santa Rosa continue to suffer high rates of COVID-19 infections
- Our residents and our health care system are at significant risk
- The County has been placed on the State's County Watch List by the California Department of Public Health
- Our community's health and well-being is threatened and our economy is left in precarious condition

# Current Conditions

- The County and State Health Officers have issued multiple orders, including:
  - Restriction of businesses and individual activities
  - Personal responsibility for social distancing, masking and hygiene
- These measures are essential if we are to control the spread of infection

# Current Strategies

- Three prongs:
  - Public Education
  - Criminal citation by Sheriff and local Police
  - Civil enforcement in Superior Court
- These strategies have not been sufficient to stem the spread of COVID-19

# New County Ordinance

- Proposed City ordinance intended to complement County's new ordinance. County ordinance:
  - Adopted August 6, 2020
  - Establishes Public Health Orders as the law of the County
  - Declares violations of Public Health Orders to be a public nuisance
  - Allows for enforcement within the incorporated and unincorporated areas
  - For duration of Local Health Emergency

# New County Ordinance

- Establishes civil fines for violations of the Public Health Orders
  - Non-commercial violation - \$100
  - Commercial violation as follows:
    - \$1,000 – first violation
    - \$5,000 – second violation
    - \$10,000 – third and each additional violation by same responsible party

# New County Ordinance

- County Ordinance is accompanied by two additional measures:
  - Enhanced County-wide educational outreach
  - County-wide complaint hotline
    - Phone: 1-833-SAFE707
    - Email: [safe707@Sonoma-county.org](mailto:safe707@Sonoma-county.org)
    - SoCo Report It

# New City Ordinance

- Why our own ordinance?
  - City Code does not currently authorize City staff (other than law enforcement) to enforce County ordinances
  - City Code does not currently authorize fines at the levels proposed
  - Adoption of City provisions will allow City to retain control over enforcement procedures and practices



# New City Ordinance

- Regional collaboration
  - City staff will coordinate closely with the staff from the County and other cities in enforcement strategies and practices
  - City staff will receive referrals from the county-wide complaint hotline
  - City staff will be fully engaged in the county-wide public education efforts

# Key Elements

- Establishes Public Health Orders as the law of the City
- Declares violations of Public Health Orders to be a public nuisance
- Authorizes City staff to enforce Public Health Orders
- Authorizes civil citation as an additional tool for enforcement

# Key Elements

- Establishes civil fines for violations of the Public Health Orders, equal to County
  - Non-commercial violation - \$100
  - Commercial violation as follows:
    - \$1,000 – first violation
    - \$5,000 – second violation
    - \$10,000 – third and each additional violation by same responsible party

# Comparison Fines

- Marin:
  - Non-Commercial: \$25 - \$500
  - Commercial: \$250 - \$10,000
- Mendocino:
  - Non-Commercial: \$500 max
  - Commercial: \$10,000 max
- Napa:
  - Non-Commercial: \$25 - \$500
  - Commercial: \$200 - \$5,000

# Key Elements

- Sets standards for form of citation
- Provides appeal process
- Retains existing tools of enforcement, including criminal citation, public nuisance abatement and civil actions in Superior Court

# Scope of Ordinance

- “Public Health Order”
  - City:
    - County Public Health Orders
    - State Public Health Orders
  - County:
    - County Public Health Orders
    - State Public Health Orders
    - Federal Agencies Orders
    - Federal, State and County Guidance

# Scope of Ordinance

- “Responsible Party”
  - Acts or fails to act
  - Causes, maintains, permits or allows violation
  - Includes owner of real property on which violation is maintained
  - Includes owner or manager of business “responsible for causing or maintaining a violation”

# Recommendation

It is recommended by the City Attorney and the Planning and Economic Development Department that the Council adopt an urgency ordinance adding Chapter 9-24 — Authorizing Administrative Enforcement of COVID-19 Public Health Orders – to the City Code to authorize administrative enforcement and penalties for violation of Public Health Orders related to the COVID-19 pandemic.



QUESTIONS?