



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: July 28, 2020

Subject: CONSIDER adopting Ordinance No. 2020-21, an urgency ordinance establishing administrative fines for violations of public health orders pertaining to t

RECOMMENDATION(S):

CONSIDER adopting Ordinance No. 2020-21, an urgency ordinance establishing administrative fines for violations of public health orders pertaining to the COVID-19 pandemic.

FISCAL IMPACT:

Although adopting the ordinance has no fiscal impact by itself, the change in County policy that it affects will have an impact that is unlikely to be covered by the established fines. The administrative and programmatic costs of establishing enforcement officers will be dependent upon the level of enforcement with public health orders, the cost of hearing officers, and the cost of likely appeals to the Superior Court.

BACKGROUND:

On July 14, 2020, the Board of Supervisors directed staff to prepare an ordinance that would establish administrative fines for violations of public health orders pertaining to the COVID-19 pandemic. The Board determined the ordinance is necessary to augment the ability of the County and other local agencies to ensure compliance with public health orders and combat the spread of COVID-19.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **07/28/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 28, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Randy Sawyer,
925-335-3210

Attached to

BACKGROUND: (CONT'D)

this Board order is an urgency ordinance, Ordinance No. 2020-21, that establishes administrative fines for violations of health orders issued by the County's Public Health Officer and the State Public Health Officer. The ordinance authorizes administrative fines for violations of public health orders involving both non-commercial and commercial activities. For health order violations involving non-commercial activities, the amount of the fine is \$100 for a first violation, \$200 for a second violation, and \$500 for each additional violation within one year of the initial violation. For violations involving commercial activity, the amount of the fine is \$250 for a first violation, \$500 for a second violation, and \$1,000 for each additional violation within one year of the initial violation. If a violation continues for more than one day, each day is a separate violation.

The ordinance authorizes enforcement officers designated by the Director of Health Services, the Director of Conservation and Development, and the Sheriff to enforce the ordinance. Because Public Health Officer orders apply countywide, this ordinance also applies countywide under Government Code section 8634. The ordinance may be enforced in cities and special districts by officials designated by those agencies to enforce the ordinance.

The ordinance authorizes enforcement officers to impose a fine by issuing a Notice of Fine to a person or business in violation of a public health order. Before issuing a Notice of Fine, an enforcement officer can first issue a Notice of Violation, which gives a person or business up to two days to correct a violation. If the violation is not corrected, the enforcement officer can then issue a Notice of Fine. In cases where the enforcement officer determines that issuing a Notice of Violation is unnecessary or ineffective, the enforcement officer can immediately issue a Notice of Fine. If a person or business is issued a Notice of Fine, the fine can be paid or appealed. An appeal is heard by a hearing officer established or appointed by the agency issuing the Notice of Fine.

CLERK'S ADDENDUM

Speakers: Karen, resident of Contra Costa; Shawna Gavin, Brentwood; Daniel, resident of Concord; Savanna Sharp; Dave Sutton; Nora, resident of Antioch; Danielle Besema, resident of Concord; County Resident; County Resident (2); Debra Thompson; County Resident (3); County Resident (4); Resident of Pinole; Edith Halderen, resident of Richmond; California resident; Denise Pursche; County Resident (5); Barry, resident of Contra Costa.

ATTACHMENTS

Ordinance No. 20-21