



Contra
Costa
County

To: Board of Supervisors
From: Anna Roth, Health Services Director
Date: December 15, 2020

Subject: Administrative fines for violations of public health orders

RECOMMENDATION(S):

CONSIDER whether to adopt an urgency ordinance increasing administrative fine amounts for violations of public health orders pertaining to the COVID-19 pandemic, or pursue other means of enforcement.

FISCAL IMPACT:

Although adopting the ordinance has no fiscal impact by itself, the potential change of County policy that it affects will have an impact that is unlikely to be covered by the current or potential increased 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 28, 2020, the Board of Supervisors adopted Ordinance No. 2020-21, an urgency ordinance that established administrative fines for violations of public health orders issued by the County's Public Health Officer and the State Public Health Officer. The ordinance authorizes administrative fines for violations

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **12/15/2020** ☐ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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: December 15, 2020

Contact: Anna
Roth, (925)

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

By: , Deputy

cc:

BACKGROUND: (CONT'D)

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.

On December 8, 2020, Board members expressed interest in possibly increasing the maximum amount of fines that can be levied for health order violations. Attached is a draft urgency ordinance with no fine amounts specified. After the December 15 staff presentation on public health order enforcement, the Board may wish to either consider increasing fines, or leave the existing ordinance and existing fine amounts in place and consider alternative methods of enforcement. If the Board wishes to adopt a new ordinance increasing fines, the new fine amounts will have to be specified in Section 5(d) of the draft ordinance. Section 5(d) is on page 4 of the ordinance.

CONSEQUENCE OF NEGATIVE ACTION:

If no action is taken, the existing fine amounts will remain unchanged.

CHILDREN'S IMPACT STATEMENT:

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CLERK'S ADDENDUM

Speakers: Heidi Munos Gleisner; Kevin Rose; Keegan; John of Danville; Betsy Faire; Stephan Cabral, Concord Chamber of Commerce.

No action taken.

ATTACHMENTS

Draft Urgency Ordinance